



IPCA

Independent Police
Conduct Authority

Whaia te pono, kia puawai ko te tika

Death of Calum Meyer following Police pursuit in Whanganui

March 2016

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Introduction

1. At about 9.30am on 7 May 2015, a Holden Commodore driven by Calum Meyer, aged 25, collided with a parked truck while fleeing from Police in Whanganui. Mr Meyer died at the scene.
2. The Police notified the Independent Police Conduct Authority of the incident, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

Index of officers

Communications Centre Staff	Roles/Comment
CentComms shift commander	Pursuit controller.
Dispatcher	Dispatched the event and relayed shift commander's instructions to field staff.
Field Staff	
Officer A	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 B	Passenger during first pursuit. Provided commentary to CentComms.
Officer C	Driver of Category A marked Police vehicle during second pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer D	Passenger during second pursuit. Provided commentary to CentComms.
Officer E	Spotted vehicle along Rapanui Road. Driver of Category D unmarked Police car. This type of car has no red and blue lights and siren, and is not permitted to engage in pursuits.
Officer F	Set up road spikes around Nukumarū Station Road. Was certified to deploy road spikes.
Officer G	Deployed first set of road spikes outside Westmere School. Was certified to deploy road spikes.
Officer H	Witnessed first spiking attempt. Positively identified Mr Meyer. Driving a Category C marked Police vehicle. This type of car is not authorised to engage in pursuits.
Officer I	Driver of Category A marked Police vehicle during third pursuit. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer J	Lead driver when second set of road spikes deployed. Gold class driver. Authorised to engage in urgent duty driving and pursuits.
Officer K	Deployed second set of road spikes on Tayforth Road. Was certified to deploy road spikes.

Background

THE PURSUIT

3. At 9am on 7 May 2015 Officers A and B, who were parked in an unmarked Police car on London Street, Whanganui, saw a green Holden Commodore leave an address that was of interest to Police. Officer B had seen the Holden Commodore the previous day, parked outside the same address, and was aware that the car was linked to Calum Meyer, who was forbidden to drive.
4. The officers quickly lost sight of the Holden Commodore, so Officer A drove around the block to see if they could locate it. As they drove past the BP petrol station on London Street, the officers saw the Holden Commodore parked in the forecourt. Officer A parked nearby and watched as the Holden Commodore left the BP and turned onto London Street, driving towards Fergusson Street.
5. Officer A then pulled in behind the Holden Commodore and Officer B confirmed that the registration was the same as the car she had seen the previous day. The officers also determined that there was only one male occupant in the car, but were unable to identify him.
6. Officer A told the Authority that they believed the driver was a disqualified driver and decided to stop the car further up London Street to confirm who was driving the car. The driver was Mr Meyer, although Police did not conclusively determine this until much later.¹
7. As Mr Meyer drove past Fergusson Street at “normal speed”, Officer A activated the Police car’s red and blue lights to signal the car to stop. At this point, Mr Meyer was approximately 20-30 metres in front of the officers. Officer B said Mr Meyer then indicated right and appeared to slow down to turn into a driveway. Almost simultaneously, Officer A activated the Police car’s siren.
8. Immediately after the siren was activated, Officer A said Mr Meyer “surged forward and sped off” down London Street towards the base of the Great North Road hill. This action strengthened Officer A’s belief that the driver was someone who was “potentially disqualified from driving.”
9. Whanganui Police then engaged in three separate Police pursuits and deployed road spikes on two occasions, as detailed below.

¹ The Authority has referred to the driver as Mr Meyer throughout the report, however the Police were not aware of his identity until the third pursuit (see paragraph 52).

First pursuit

10. At 9.13am, Officer B radioed the Police Central Communications Centre (CentComms) and advised that they were in pursuit of a car for *“failing to stop”*, and broadcast the registration number and direction of travel as required by Police policy.
11. The dispatcher² immediately alerted the CentComms shift commander (the pursuit controller³) that a pursuit had commenced. Throughout the ensuing event, the dispatcher was supervised by the pursuit controller and relayed his instructions to the Police staff involved.
12. Mr Meyer continued driving along London Street towards the intersection of Great North Road and Victoria Avenue, which is controlled by a stop sign. As he reached the intersection, Mr Meyer made a left hand turn onto Great North Road after failing to slow down and stop. Due to his speed, Mr Meyer mounted a traffic island at the base of the hill, and crossed over onto the wrong side of the road towards oncoming traffic. As soon as he was past the island, Mr Meyer pulled back onto the correct side of the road and continued up the hill.
13. Police fleeing driver policy requires that once a pursuit has been commenced, the communications centre dispatcher must give the warning, *“If there is any unjustified risk to any person you are to abandon pursuit immediately, acknowledge.”*
14. Mr Meyer was halfway up the hill before the officers reached the intersection and slowed to a stop. As the officers turned left up Great North Road, the dispatcher told the officers *“if there’s any unjustified risk to any persons you are to abandon pursuit immediately.”* Officer B acknowledged the pursuit warning and advised CentComms of the road and traffic conditions.
15. Officers C and D, who were in a marked Police vehicle approximately five kilometres north on Great North Road, advised CentComms that they were available. Officer B radioed that Mr Meyer was coming their way and repeated the make and model of the car.
16. As Mr Meyer reached the top of the hill, he overtook a car travelling in the same direction and veered into the right lane. Officer B said that Mr Meyer appeared to be moving back into the left lane when he began *“fishtailing”* with the back end of his car swinging out towards the curb of the road.
17. At the same time, Officer B saw a cyclist riding towards them in the right lane. Officer B told Officer A, *“he’s going to hit that cyclist.”* Almost simultaneously, Mr Meyer hit the cyclist. The cyclist was thrown into the air and landed on the road in front of a parked car.
18. Officer A immediately abandoned the pursuit, turned off the Police car’s siren, and pulled over with the warning lights still flashing. Officer B advised CentComms that the fleeing driver had hit a cyclist and requested an ambulance. The dispatcher asked if the driver had carried on and

²The 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.

³The 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.

sought confirmation that the pursuit was abandoned. Officer A confirmed that the pursuit was abandoned and advised that they were at the scene with the cyclist, who was conscious and being treated by a doctor.⁴

19. This stage of the pursuit lasted approximately 52 seconds.

Second pursuit

20. Following the abandonment of the first pursuit, Mr Meyer continued driving north along Great North Road. The dispatcher then advised all units that they were authorised by the pursuit controller to enter a 'search phase,' which means that Police units are directed to look for the vehicle that has evaded Police, but are not allowed to engage in urgent duty driving (to drive at speed with lights and sirens activated) while doing so.
21. Officer E, who was in an unmarked Police car, heard the CentComms transmission and advised that he was on Mosston Road (approximately 2 kilometres away). He asked for a description of the car. The dispatcher broadcast the car's make and model and advised that it was "*known to be driven by a forbidden driver, Calum Meyer*" (although Police still did not know if Mr Meyer was the driver at this time).
22. Officers C and D, who had remained stationary on Great North Road, began driving towards the centre of Whanganui where they saw Mr Meyer approaching their location behind a blue car. Officer C said Mr Meyer looked like he was "*gaining rapidly*" on the blue car, so he began to angle their Police vehicle off to the left side of the road. As he did this, Mr Meyer came up behind the blue car and pointed his car directly at them. Officer D said it was as though Mr Meyer was "*lining us up.*"
23. Officer C immediately pulled further to the left to allow Mr Meyer to pass by. Although Officer C knew what Mr Meyer looked like, he said it "*happened so fast*" that he was unable to identify the driver. Officer C did a u-turn and activated the Police vehicle's lights and siren, signalling Mr Meyer to stop.
24. In his Police statement, Officer C said he believed that this was a "*serious situation*" and that the pursuit was "*justified because [the driver] had maybe killed someone and nobody knew who he was.*"
25. Officer D advised CentComms that "*a car just had a swerve at us ... on the main road heading out of Whanganui and is continuing on at speed, we're about 300 metres behind it, and trying to close down.*" The pursuit controller and dispatcher could hear the Police siren in the background and assumed that the officers were already in pursuit. The dispatcher acknowledged Officer D and told the officers "*if there's any unjustified risk to any persons you are to abandon pursuit immediately.*" Officer D acknowledged this warning and advised that

⁴ The cyclist is recovering from his injuries, but suffers ongoing back pain.

they were travelling at 140kph,⁵ the traffic level was medium, the road was damp and Mr Meyer was continuing north in the left lane.

26. Police policy states that an abandoned pursuit must not be recommenced without the approval of the pursuit controller. Officer D told the Authority that on receiving the pursuit warning from the dispatcher, he considered that CentComms had *“given the go ahead to initiate a pursuit.”*
27. As Mr Meyer continued driving north out of Whanganui along Great North Road/State Highway 3, he narrowly avoided a truck and trailer unit that was making a right turn onto the State Highway. Due to the water spray off the road surface, Officers C and D briefly lost sight of Mr Meyer and initially thought he had hit the truck and trailer.
28. As the spray dissipated, Officer C saw Mr Meyer continuing to travel at speed in the distance. Officer D recalled that the closest they came to Mr Meyer’s car was about 400 metres, however Officer C told the Authority that he accelerated to 150kph and got within 100 metres of Mr Meyer.
29. Officers C and D said that as Mr Meyer passed Blueskin Road, he began to cross the centre line into the oncoming lane. Officer D advised CentComms that Mr Meyer was swerving towards oncoming cars and was driving on the wrong side of the road.
30. CentComms immediately directed that the pursuit be abandoned. This order was acknowledged by Officer D. Officer C slowed down, turned off the vehicle’s lights and siren and stopped at the corner of Watts Livingstone Road and State Highway 3, abandoning the pursuit in accordance with Police policy.
31. The second stage of the pursuit lasted approximately one minute and 10 seconds.

The first deployment of road spikes

32. Following the abandonment of the second pursuit, Officer D advised CentComms that Mr Meyer was continuing to drive on the wrong side of the road and was travelling towards Waverley (a small town approximately 40 kilometres away). He also voiced his concerns that Mr Meyer would *“cause a massive crash”* due to the way he was driving on the wet road. As a result, Officer D said that they would continue driving north at low speed and *“do a bit of a sweep.”* The dispatcher acknowledged Officer D and authorised the officers to *“carry on.”*
33. Meanwhile, Officer F had heard about the pursuit over the Police radio. Intending to assist with the search, Officer F advised CentComms that he was en route and requested permission to set up road spikes at the corner of Nukumarū Station Road and State Highway 3, approximately 20 kilometres north of where the pursuit was abandoned.

⁵ The posted speed limit at this section of Great North Road is 100kph.

34. CentComms authorised the use of road spikes. The dispatcher also broadcast that the likely driver was Calum Meyer, and that he had a history of pursuits and dangerous driving and was not licensed to drive a motor vehicle.
35. Over the next eight minutes, Mr Meyer continued driving north and disappeared from Police view. During this time, the dispatcher communicated with local Police officers and arranged for sweeps along Kai Iwi Valley Road, Brunswick Road and Rapanui Road with a view to locating Mr Meyer. The dispatcher also arranged for officers to go to Mr Meyer's residential address and to the BP petrol station on London Street to help identify the fleeing driver.
36. CentComms received a number of traffic complaints from members of the public about a car driving at speed into oncoming traffic, north of Kai Iwi. CentComms broadcast that it was likely to be the same car and confirmed that it was continuing to travel north towards Waverley. Officer E heard CentComms' transmission and left his position on Mosston Road, driving north to Rapanui Road.
37. Officer F also heard CentComms' transmission and radioed that he was setting up road spikes on State Highway 3 in Waitotara (approximately 13 kilometres north of Kai Iwi). The dispatcher acknowledged Officer F and confirmed that *"Comms Alpha has authorised use of spikes."*⁶
38. At about 9.25am Officer E was driving north in an unmarked Police car along Rapanui Road, approximately two kilometres past the Bason Botanic Gardens, when he recognised Mr Meyer's car travelling south towards Whanganui. As Mr Meyer passed Officer E's position, Officer E was able to confirm part of the car's registration number, but was unable to identify the driver.
39. Officer E said he maintained his speed and continued driving north so that he would not alert Mr Meyer that he was a Police officer. Officer E said that at this stage, Mr Meyer's manner of driving did not seem out of place and his speed did not seem excessive.
40. Officer E radioed CentComms and said that he had seen the fleeing car travelling along Rapanui Road and advised that it was heading towards Westmere School. Officer E did not mention Mr Meyer's manner of driving during his transmission.
41. Officer E then performed a u-turn and followed Mr Meyer. Officer E maintained the posted speed limit of 100kph as his Police car was not suitable for a pursuit and had no lights or siren.
42. The dispatcher acknowledged Officer E and asked if there were any officers in position to set up road spikes around Westmere. Officer G, driving a marked Police car, immediately responded and advised that he was en route. The dispatcher advised Officer G to position the road spikes *"around Watt Livingstone Road if you can get there in time."*
43. Officer I, driving a marked Police car, also heard CentComms' transmission and advised that he was on Watt Livingstone Road travelling towards Rapanui Road, but had no road spikes.

⁶ Comms Alpha is the pursuit controller.

44. Officer G said he drove directly to Westmere School just before the intersection of Rapanui Road and Francis Road, as he believed it was the only place for him to set the spikes up safely. At the time, there were no children or traffic around and although it would have been ideal to be further from the school, Officer G said he *“did not have enough time and would have missed the opportunity to safely end the incident.”*
45. Officer G notified CentComms that he was *“near Westmere School now, I’ll try and get in position to set them up.”* The dispatcher immediately directed *“all units setting up spikes be well aware of your personal safety whilst doing so, and if you do have to spike the vehicle.”*
46. Officer C, who had heard the radio transmissions, advised CentComms that given Mr Meyer’s behaviour *“it may be worth ringing Whanganui and get a chopper in here.”* The dispatcher acknowledged Officer C and advised that the pursuit controller was looking into it.
47. As Officer G removed the case containing the road spikes from his Police car, he heard on the radio that Mr Meyer was close by. Within moments Officer I, who had reached the intersection of Watts Livingstone Road and Rapanui Road (approximately 700 metres from Westmere School), radioed that he could see Mr Meyer driving towards Westmere School.
48. At the same time Officer H, who was driving a marked Police car, arrived at Westmere School and parked on the corner of Rapanui Road and Francis Road, facing north.
49. Officer G said he felt *“very rushed to get the spikes out”*, and as soon as he had them out of the case he observed Mr Meyer coming around the bend towards him. He quickly deployed the road spikes but they became tangled and did not fully extend across the road.
50. Officer G, who was standing at the back of his Police car when he deployed the road spikes, estimated that Mr Meyer was travelling at around 70kph to 80kph.⁷ Officer H estimated that Mr Meyer was travelling at 120kph.
51. Officer G said Mr Meyer saw him deploy the road spikes and, as a result, he swerved left to avoid them and veered onto the grass verge. The car began fishtailing and as Mr Meyer tried to control the car, he overcorrected and drove off the road into a ditch directly behind the Francis Road stop sign. From the momentum, Mr Meyer’s car spun so that the front of his car was facing Westmere School.
52. Officer H, who had remained in his car, saw that Mr Meyer was stuck in a ditch and was unable to gain traction on the wet grass. He immediately drove his car to the front of Mr Meyer’s car to try to pin him in and stop him from driving off. From his position, Officer H was able to positively identify Mr Meyer as the driver.
53. Officer G notified CentComms that Mr Meyer had missed the road spikes and crashed at Westmere School.

⁷ The posted speed limit along Rapanui Road is usually 100kph, however, during school hours the speed limit is reduced to 70kph.

54. As this was happening, Mr Meyer was able to gain traction and reverse out of the ditch onto Francis Road. Officer H immediately radioed CentComms and advised that Mr Meyer was mobile and driving south on Francis Road towards Tayforth Road. He also confirmed that the driver was Calum Meyer.
55. Officer H was aware that his car was not authorised or suitable to use in a pursuit. However, he decided to follow Mr Meyer onto Francis Road, so he could see his direction of travel.

Third pursuit

56. Officer I arrived at the intersection of Rapanui Road and Francis Road as Mr Meyer was manoeuvring away from Officer H. Officer I could see that Mr Meyer's car had sustained some damage to the front bumper and he did not expect the car to go much further.
57. Officer I said his thoughts at the time were focused on the potential harm Mr Meyer posed to the public and to other Police officers. He told the Authority he was initially concerned that Mr Meyer's car would break down following the crash and he would steal one of the cars parked outside the school. Officer I based his concern on the damage to the Holden Commodore, Mr Meyer's previous attempts to evade capture and his personal knowledge of Mr Meyer's history. With this in mind, as well as the knowledge that Mr Meyer was travelling towards a built up area, Officer I decided to pursue Mr Meyer.
58. As Officer I overtook Officer H on Francis Road, he activated his Police car's lights and sirens and radioed CentComms, "*pursuit of that vehicle, do you want me to follow it or just, back off?*". The dispatcher immediately told Officer I "*any unjustified risk to any persons you are to abandon pursuit immediately, acknowledge.*"
59. Just before this communication took place, the pursuit controller was unplugged from the radio as he was discussing the option of deploying a helicopter to the scene. The pursuit controller plugged back in as Officer I initiated the pursuit and the dispatcher radioed the warning.
60. As Officer I was listening to the pursuit warning, he observed Mr Meyer quickly accelerate away from him and cross the centre line onto the wrong side of the road. Due to Mr Meyer's "*degree of recklessness in his driving,*" Officer I decided to abandon the pursuit, turned off his lights and siren and reduced his speed.
61. Five seconds after CentComms provided the pursuit warning, Officer I radioed CentComms and advised "*I'm going to back off and let him go, he's heading towards Tayforth Road but I'm still mobile, lights and sirens off, copy.*" The dispatcher acknowledged this by saying "*roger, acknowledge.*" Officer I immediately responded "*he's an extreme risk, I'm just going to let him go.*"
62. The dispatcher told the Authority that he believed Officer I was still in pursuit of Mr Meyer because, although Officer I had said he was backing off, he had not pulled over as required under the fleeing driver policy when a pursuit is abandoned. The dispatcher also said that he

and the pursuit controller had started talking about whether they should order abandonment or continue pursuing.

63. Similarly, the pursuit controller told the Authority that he was considering whether to abandon the pursuit in favour of an inquiry phase when Officer I radioed that Mr Meyer was “*an extreme risk*”.
64. When questioned about why he did not come to a complete stop, Officer I told the Authority that he believed Mr Meyer was an “*extreme risk*”, and to pull over to the side of the road would have been “*impractical*.” He continued driving because he wanted to keep Mr Meyer in sight so that he could advise CentComms and his colleagues where Mr Meyer was going.
65. This stage of the pursuit lasted 20 seconds.⁸
66. Officer I followed Mr Meyer at a slower speed to create distance between the two cars. Officer I believed his backing off had the desired effect, as Mr Meyer appeared to decrease his speed and moved back onto the correct side of the road.

The second deployment of road spikes

67. Officers J and K, who had heard the radio transmissions regarding Mr Meyer, turned onto the south end of Tayforth Road in a marked Police car. Officer J, who was driving, continued north for about 500 metres before stopping just past the first turn off for Belmont Road with the Police car’s red and blue lights flashing. The officers discussed setting up road spikes, and Officer J radioed CentComms and asked for “*permission to put spikes on Tayforth Road?*” The dispatcher immediately responded “*affirm, granted.*”
68. From their location, the officers were able to see approximately 400 metres north and 200 metres south. The road was clear, with minimal traffic and no pedestrians. Officer J believed that their position would allow them to identify the fleeing car as it came around the corner, and also give Mr Meyer the opportunity to slow down and stop.
69. The officers got out and walked to the rear of the Police car. As Officer K was retrieving the road spikes, a ‘Hookers’ truck approached the officers from behind. The truck driver pulled over to the left side of the road, approximately 26 metres behind the Police car, leaving one and a half lanes clear. Officer J said that although he was concerned about the truck, he decided against waving it on or notifying CentComms due to time restraints and knowing that Mr Meyer was heading in their direction.
70. Meanwhile, Officer G radioed CentComms and advised officers to be aware as Mr Meyer’s car had significant damage. Shortly after, Officer I radioed that Mr Meyer was travelling at 100kph on Tayforth Road heading south towards Mosston Road. The dispatcher acknowledged Officers G and I, and advised Officer K to be cautious when setting up the road spikes due to

⁸ This time was taken from the moment Officer I radioed in the pursuit, to the time the dispatcher finished acknowledging Officer I’s decision to back off.

Mr Meyer's previous behaviour. Officer I further reported that he was in a "100-k zone ... doing 120" and that Mr Meyer was "out of sight now ... heading towards Mosston Road."

71. At about 9.30am, as Officer K heard Officer I on the radio, he saw Mr Meyer coming around the corner and down the hill. Officer K said he could hear the car "accelerating heavily" as it approached and estimated that it was travelling at 120kph to 130kph.
72. As Mr Meyer got within 200 metres of the officers' location, Officer K deployed the road spikes across both lanes. Officer K then looked back to Mr Meyer, and noticed that he had lost control of the car.
73. Mr Meyer's car began sliding across the road, with the front of this car pointing to the grass on the left side of the road. Mr Meyer appeared to overcorrect, and the back wheels of the car slid on the grass verge. The front of the wheels of the car hit the road spikes and the car drifted across the road where it collided with the front of the parked truck.
74. Mr Meyer died instantly.

Calum Meyer

75. Mr Meyer was an unlicensed driver and in March 2015, had been forbidden to drive by Police.
76. A toxicology report confirmed the presence of methamphetamine and cannabis in Mr Meyer's blood. No levels were provided in the report, so the effect these drugs had on Mr Meyer's decision-making is unknown.

Crash analysis

77. A Police crash investigator concluded that the main cause of the crash was Mr Meyer's actions in the minutes leading up to the collision.
78. The crash investigator did not find any pre-existing faults with the Holden Commodore, or with the road surface at the crash scene.

The Authority's Investigation

THE AUTHORITY'S ROLE

79. Under the Independent Police Conduct Authority Act 1988, the Authority's functions are to:
- receive complaints alleging misconduct or neglect of duty by any Police employee, or concerning any practice, policy or procedure of the Police affecting the person or body of persons making the complaint; and to
 - investigate, where it is satisfied there are reasonable grounds for doing so in the public interest, any incident in which a Police employee, acting in the course of his or her duty has caused or appears to have caused death or serious bodily harm.
80. The Authority's role on the completion of an investigation is to form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint.

THE AUTHORITY'S INVESTIGATION

81. As required under section 13 of the Independent Police Conduct Authority Act 1988, Police notified the Authority on 7 May 2015 of the death of Calum Meyer.
82. Authority representatives travelled to the scene and viewed the environment where the pursuits and the deployments of road spikes took place.
83. The Authority interviewed the Police staff involved in the pursuit and the deployments of the road spikes. It also reviewed the material provided by Police, including statements from all the officers involved in the pursuits, statements from independent witnesses, copies of CentComms' transmissions, and the crash investigation report.

ISSUES CONSIDERED

84. The Authority's investigation considered the following issues:
- Whether Police complied with the law and Police fleeing driver policy for the three pursuits, specifically in relation to:
 - the commencement and recommencement of the pursuit;
 - communication;
 - speed and manner of driving; and
 - ongoing risk assessment/abandonment.
 - Whether Police complied with the Tyre Deflation Device policy in relation to the use of road spikes, specifically in relation to the:

- two separate decisions to use road spikes;
 - selection of the deployment sites; and
 - actual deployment of the road spikes.
- An examination of the current Police approach to pursuits in this type of situation.

The Authority's Findings

ISSUE 1: DID POLICE CONDUCT THE FIRST PURSUIT IN ACCORDANCE WITH LAW AND POLICY?

85. Officers A and B saw a Holden Commodore outside an address that was of interest to Police and suspected that it was being driven by Mr Meyer, a forbidden driver. The officers were justified under section 114 of the Land Transport Act 1998 in attempting to stop the Holden Commodore in order to establish the identity of the driver.
86. Because Mr Meyer failed to stop and attempted to evade Police, the officers were entitled under the Police fleeing driver policy to commence a pursuit. Officer B informed CentComms that the car was "*failing to stop*", and the dispatcher issued the pursuit warning as required by policy (refer to paragraphs 138-141).
87. The fleeing driver policy requires Police to conduct a risk assessment prior to commencing a pursuit. Both officers separately conducted a risk assessment in accordance with the policy and Officer B advised CentComms of the relevant risk factors in so far as she was able to, given the short duration of the pursuit (52 seconds).
88. As Officer A was a gold class driver, he was permitted to engage in the pursuit. The officers were driving a Category B car, which is authorised to commence pursuits but must be replaced by a Category A car as soon as possible. Given the short duration of the pursuit, there was not enough time for the replacement to take place.
89. The fleeing driver policy requires officers to drive in a manner that prioritises public safety. In this case, the officers kept their Police car's red and blue flashing lights and siren activated at all times and Officer A, the driver, also showed due care by slowing down at intersections.
90. The fleeing driver policy requires Police to abandon a pursuit if the risk to the safety of the public and Police outweighs the immediate need to apprehend the driver. When Mr Meyer's manner of driving became too dangerous and he hit a cyclist, Officer A immediately abandoned the pursuit in accordance with policy and pulled over to help the cyclist.

FINDING

Police complied with law and Police policy during the first pursuit.

ISSUE 2: DID POLICE CONDUCT THE SECOND PURSUIT IN ACCORDANCE WITH LAW AND POLICY?

91. Officers C and D were aware that an earlier pursuit of Mr Meyer had been abandoned due to his dangerous manner of driving and collision with the cyclist. The officers were also aware that Mr Meyer was travelling in their direction and that the pursuit controller had authorised a search phase for the car.

92. When Mr Meyer, whose identity was suspected but had not been determined at the time, crossed the centre line and drove towards the officers at speed, they were entitled under section 114 of the Land Transport Act 1998 to attempt to stop the Holden Commodore and speak to Mr Meyer about his manner of driving.
93. When Mr Meyer failed to comply with their signal to stop, Officer D advised CentComms that a car had “*had a swerve*” at them and that they were trying to catch up.
94. Police policy states that “*an abandoned pursuit must not be recommenced without the approval of the pursuit controller.*” In this case the pursuit controller and the dispatcher, who could hear that the Police vehicle’s siren was activated, assumed the officers were already in pursuit and the dispatcher issued the standard pursuit warning as required by policy. On receiving the pursuit warning from the dispatcher, Officer D considered that CentComms had given authorisation for the pursuit.
95. Officer D did not specifically request approval to recommence the pursuit from the pursuit controller, and the pursuit controller did not explicitly provide it. As a result, there may have been insufficient consideration of whether or not the risks involved in pursuing Mr Meyer had reduced enough to justify recommencing the pursuit (see paragraphs 142-143 for relevant policy).
96. Although the Authority’s view is that Police did not fully comply with policy in respect of seeking and granting approval to recommence the pursuit, the Authority accepts that Officers C and D reasonably believed their actions were authorised by CentComms.
97. Officer C was qualified to engage in pursuits and was driving a Category A marked Police vehicle. Both officers conducted risk assessments and Officer D advised CentComms of relevant risk factors, including the reason for the pursuit, the speed of the Holden Commodore and the road and traffic conditions.
98. In accordance with the fleeing driver policy, Officer C kept the Police vehicle’s warning lights and siren activated throughout the pursuit.
99. When it became clear that the speed and manner of Mr Meyer’s driving had deteriorated, the pursuit controller directed that the pursuit be abandoned. The officers immediately abandoned the pursuit by reducing speed, deactivating the Police vehicle’s warning lights and siren, and stopping in accordance with Police policy.
100. In most respects the second pursuit was commenced, and subsequently abandoned, in accordance with relevant Police policy. The Authority nevertheless has concerns about the fact that a second pursuit was commenced in the circumstances of this case. Mr Meyer had already injured an innocent member of the public through his manner of driving; he was not known to pose any risk to the public other than through his ongoing dangerous driving; and there was no reason to believe that the commencement of a further pursuit would either reduce that risk or was likely to influence Mr Meyer to stop. Indeed, all the indications were to the contrary.

101. The Authority acknowledges that the second pursuit was very short-lived, and that officers made the correct decision to abandon it when Mr Meyer’s driving deteriorated further. The Authority also acknowledges that the officers believed they were confronted with a “*serious situation*” and that the pursuit was “*justified because [the driver] had maybe killed someone and nobody knew who he was.*” However, the Authority considers that the risks posed by the second pursuit from the outset far outweighed any perceived benefits. This matter is addressed further in Issue 6 below.

FINDING

Apart from the absence of a clear request for, and granting of, authorisation to recommence the pursuit, Police complied with law and current Police policy during the second pursuit.

ISSUE 3: DID POLICE COMPLY WITH POLICY IN RELATION TO THE FIRST DEPLOYMENT OF ROAD SPIKES?

102. The Police fleeing driver policy and the Tyre Deflation Device (TDD) policy permit the use of road spikes to facilitate the end of a pursuit and stop fleeing vehicles in the safest possible manner (refer to paragraphs 144-148).
103. On hearing that a pursuit had been abandoned along Great North Road/State Highway 3 and that the fleeing driver was heading in his direction, Officer F sought permission from CentComms to set up road spikes at the corner of Nukumaru Station Road and State Highway 3. The pursuit controller authorised the use of road spikes.
104. Later, when Mr Meyer was located driving south along Rapanui Road, the pursuit controller asked if there were any officers available to set up road spikes around Westmere, preferably around Watt Livingstone Road. Officer G notified CentComms that he was available and drove directly to Westmere School.
105. Under TDD policy, road spikes may only be used at sites where there is a clear view of the road in each direction, enough visibility for the officer to see the suspect vehicle and other traffic as they approach, and cover (not just concealment) for the officer.
106. Officer G chose to position the road spikes directly outside Westmere School just before the intersection of Rapanui Road and Francis Road. Although Officer G stated that he would have preferred to deploy the road spikes further away from the school, he believed that there was no obvious risk as there were no children or traffic around. Furthermore, he believed this was the best opportunity to safely end the incident.
107. Under policy, deploying officers are responsible for maintaining communication with the pursuit controller and the lead pursuit unit, and for ensuring that they only deploy road spikes on the authority of the pursuit controller.

108. In respect of this deployment, Officer G advised CentComms that he was setting up road spikes “near Westmere School,” and CentComms immediately directed him to be aware of his own personal safety.
109. Due to the short timeframe in which to deploy the road spikes, Officer G said he felt “very rushed,” and on deploying the road spikes, they became tangled and did not fully extend across the road. Due to this, and Mr Meyer’s desire to evade the Police, Mr Meyer was able to avoid the road spikes and, after leaving the road and entering a ditch, was ultimately able to continue along Francis Road.
110. Officer G immediately communicated with CentComms that Mr Meyer had avoided the road spikes and crashed his car.

FINDING

Police complied with the tyre deflation devices policy in relation to the first deployment of road spikes.

ISSUE 4: DID POLICE CONDUCT THE THIRD PURSUIT IN ACCORDANCE WITH LAW AND POLICY?

111. Officer I, who was aware of the earlier pursuits and attempted spiking, arrived at Westmere School as Mr Meyer managed to get traction and continue along Francis Road. At this stage, Officer H had positively identified Mr Meyer as the driver and notified CentComms. Officer I immediately activated his lights and siren, and when Mr Meyer failed to stop, he radioed CentComms and said “*pursuit of that vehicle, do you want me to follow it or just, back off?*”
112. Police policy requires that officers abandon a pursuit if at any stage the identity of the offender becomes known, unless there is an immediate threat to public or staff safety. When abandoning, the officer must immediately reduce speed, deactivate warning lights and stop as soon as it is safe to do so.
113. In his statements to Police and the Authority, Officer I said the risk factors he considered when he made the decision to request permission to pursue Mr Meyer, despite knowing his identity, were: the potential harm he posed to the public and other Police officers; that he was driving towards a built up area; that he had previously attempted to evade capture; and his personal knowledge of Mr Meyer’s history. Officer I assessed the risk Mr Meyer posed as extremely high.
114. The pursuit controller was not plugged into the radio when Mr Meyer was identified as the driver, or when Officer I requested permission to pursue.
115. The dispatcher gave the pursuit warning in response to Officer I’s communication. At the same time the pursuit controller plugged back into the radio transmissions. However no explicit authorisation to recommence the pursuit was provided by CentComms. The pursuit was

extremely short, with little time for any meaningful discussion about the risks involved in recommencement or abandonment.

116. Nevertheless, the Authority has the same concerns about the initiation of the third pursuit as those discussed in paragraph 100 above. Officer I rightly recognised that Mr Meyer's driving posed a risk to the public and other Police officers. However, in the Authority's view there was no reasonable basis for him to conclude that a recommencement of the pursuit would either reduce that risk or was likely to influence Mr Meyer to stop. Mr Meyer's behaviour to that point, including his escalating dangerous driving after injuring a member of the public, pointed to the fact that a further Police pursuit would be likely to maintain, if not increase, the risk that he posed. Indeed, on abandoning the second pursuit Officer D had advised CentComms that with the way Mr Meyer was driving on a wet road, he was likely to cause a "massive crash". The Authority has addressed this matter further in Issue 6 below.
117. Five seconds after the dispatcher stated the pursuit warning, the speed and manner of Mr Meyer's driving became too dangerous and Officer I decided to abandon the pursuit, advising the dispatcher "*I'm going to back off and let him go, he's heading towards Tayforth Road but I'm still mobile, lights and sirens off, copy.*" The total duration of the pursuit was about 20 seconds.
118. Although the dispatcher acknowledged Officer I's transmission by saying "*roger, acknowledge*", both the dispatcher and pursuit controller believed that Officer I had just backed off, rather than abandoned the pursuit, particularly because Officer I told them that he had not pulled over (as required by policy when abandoning a pursuit). The pursuit controller and dispatcher then started a discussion about whether the pursuit should be abandoned or continued.
119. Officer I told the Authority that he did not pull over as required by policy because he believed that it was "*impractical*" and that Mr Meyer was an "*extreme risk*." He said that he had backed off but wanted to maintain sight of Mr Meyer so that he could update CentComms, which would allow other tactical options such as spikes or air support to be considered. When Mr Meyer disappeared from view, Officer I increased his speed to 120kph to maintain visual contact.
120. Although it was known by this stage that Mr Meyer was the driver of the fleeing car, the Authority accepts Officer I's reasoning for requesting permission to initiate the pursuit and considers that in these circumstances the dispatcher's response in giving the pursuit warning was understandable. The Authority notes that Officer I advised CentComms that he was 'backing off' five seconds later, by which stage the pursuit controller and dispatcher were already discussing abandonment.
121. However, the Authority finds that Officer I did not clearly transmit his intention to abandon the pursuit and, in continuing to follow Mr Meyer at speed, he did not comply with the requirements of the fleeing driver policy in respect of abandonment.

FINDINGS

Although Police knew the identity of the driver, Police generally complied with law and current Police policy during the third pursuit.

Officer I did not comply with the fleeing driver policy in respect of abandonment.

ISSUE 5: DID POLICE COMPLY WITH POLICY IN RELATION TO THE SECOND DEPLOYMENT OF ROAD SPIKES?

122. Officers J and K were aware that earlier pursuits of Mr Meyer had been abandoned due to his manner of driving and that an earlier attempt to spike Mr Meyer had failed. They were also aware that Mr Meyer was approaching their location at speed.
123. Both officers discussed the deployment of road spikes and Officer J radioed CentComms and asked *“permission to put spikes on Tayforth Road?”* CentComms immediately responded *“affirm, granted.”*
124. Both officers carried out a risk assessment of the deployment site and chose to position the road spikes on a straight stretch of road allowing them to see approximately 400 metres north and 200 metres south of their location. Officer J said that this site would allow them to identify Mr Meyer as he came around the corner, and give him the opportunity to slow down and stop.
125. Officer J was concerned about the ‘Hookers’ truck being parked approximately 26 metres behind the deployment site. However, due to the fast-paced nature of the situation, and considering that the truck had pulled to the side leaving sufficient space for a car to drive past, he decided against waving the truck on. Although Officer J did not notify CentComms about the truck, the situation was developing quickly and there was insufficient time for Officer J to update the pursuit controller.
126. As Mr Meyer approached their location, Officer K estimated that he was travelling at 120 to 130kph. When Officer K deployed the road spikes, he saw Mr Meyer lose control of his car, before running over the road spikes and colliding with the ‘Hookers’ truck.

FINDING

Police complied with the tyre deflation devices policy.

ISSUE 6: AN EXAMINATION OF THE CURRENT POLICE APPROACH TO PURSUITS IN THIS TYPE OF SITUATION

127. Due to the issues raised in this pursuit, the Authority has considered whether or not the Police approach to pursuits in this type of situation, as reflected in current policy, is appropriate.

128. In this case, under the current fleeing driver policy, the commencement of the initial pursuit of Mr Meyer was justified. Mr Meyer quickly demonstrated that he was prepared to take extreme risk to avoid Police. He collided with a cyclist, which caused the first pursuing officers to abandon pursuit.
129. However, as discussed in paragraphs 100 and 116, although the Authority recognises that the second and third pursuits were essentially in accordance with current Police policy, the Authority does not think that either of them should have been initiated.
130. Mr Meyer consistently showed that he was prepared to take extreme actions to avoid being caught by Police. While his identity was not known, it was suspected, and the only danger he was known to be posing to the public was that arising from his driving behaviour. Moreover, at no time, from the collision with the cyclist to the fatal crash, did his risk to the public reduce whilst he was being pursued by Police. He consistently engaged in dangerous or reckless driving behaviour, and there was good reason to believe that a continued pursuit would exacerbate that behaviour. In the Authority's experience, in extreme situations such as this, it is uncommon for a fleeing driver to voluntarily pull over. The most likely way in which further Police pursuits were going to stop Mr Meyer was if he crashed (as he did). Ultimately, his actions resulted in his own death, but they could have just as easily caused further injury to, or the death of, innocent members of the public or Police officers.
131. In the Authority's view, if a pursuit has been abandoned because of the offender's driving behaviour, and there is no evidence that he or she is otherwise an immediate danger to the public, it ought be clearly stipulated in policy that a pursuit cannot be recommenced (or a new pursuit initiated) unless Police have good reason to believe that the risk posed by the driving behaviour will be significantly reduced during the new pursuit, or that a further pursuit is likely to succeed in stopping the fleeing vehicle.
132. For the Authority's recommendation on this point, see paragraph 137.

Conclusions

133. Mr Meyer demonstrated by his actions that he was prepared to risk his life and the lives of others to avoid being caught by Police. He committed multiple offences, including failure to stop at the scene of an accident and render assistance, and his actions put officers and others at significant risk throughout.
134. The Authority has found that Police were justified in commencing a pursuit of the car driven by Mr Meyer after it failed to stop, and that Police generally complied with law and current fleeing driver policy during the three stages of the pursuit. Officer G and Officers J and K also complied with Police policy by conducting risk assessments at the sites where they deployed the road spikes.
135. The Authority nevertheless has concerns about the fact that, while the officers involved in the second and third pursuits rightly recognised that Mr Meyer's driving posed a significant risk to the public and other Police officers, they still commenced pursuit and CentComms did not specifically direct abandonment. There was no reasonable basis for these officers to conclude that recommencement of the pursuit would either reduce that risk or was likely to influence Mr Meyer to stop. Mr Meyer's behaviour pointed to the fact that further Police pursuits would be likely to maintain, if not increase, the risk that he posed. See the Authority's recommendation on this point below at paragraph 137.
136. The Authority has also determined that Officer I did not comply with the fleeing driver policy in respect of abandonment.

Recommendation

137. The Authority recommends that Police amend the fleeing driver policy. The amendments should make clear that:

- 1) When a pursuit has been abandoned because of the risk posed by the fleeing driver, and his or her driving behaviour has arisen after the commencement of the Police pursuit, the pursuit should not be recommenced unless Police have good reason to believe that:
 - a) the risk posed by the driving behaviour will be significantly reduced during the new pursuit; or
 - b) a further pursuit is likely to succeed in stopping the fleeing vehicle.
- 2) When an abandoned pursuit is being recommenced, the pursuit warning cannot be relied on as authority to recommence the pursuit. Authorisation to recommence the pursuit must be given by the pursuit controller before the dispatcher provides the pursuit warning.



Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

10 March 2016

Applicable Laws and Policies

FLEEING DRIVER POLICY

138. The overriding principle of the Police fleeing driver policy is that: *“Public and staff safety takes precedence over the immediate apprehension of the offender”*.
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. If the identity of the offender becomes known, the pursuit must be abandoned, unless there is an immediate threat to public or staff safety.
141. Following the direction to abandon pursuit, all participating Police cars must immediately acknowledge the direction to abandon pursuit, reduce speed, deactivate the Police cars warning lights and siren and stop as soon as it is safe to do so.
142. An abandoned pursuit must not be recommenced without the approval of the pursuit controller.
143. 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.

TYRE DEFLATION DEVICES POLICY

144. The Police tyre deflation devices policy has the same overriding principle as the fleeing driver policy, and goes on to say 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.”*
145. 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.
146. Under the policy officers deploying road spikes are required to establish the speed of the pursuit, provide situation reports to the pursuit controller (i.e. the communications centre’s

shift commander), and conduct ongoing risk assessments of the situation and deployment site. The pursuit controller must regularly question deployment staff about their risk assessment, including road and traffic conditions.

147. The deployment site must:

- provide cover and an escape route for the deploying officers;
- provide a clear view of the road;
- not be on or immediately before a bend in the road;
- be suitable for the safe and effective deployment of the road spikes; and
- be far enough away from the fleeing vehicle to allow time to select and assess the site and carry out the deployment.

148. 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.

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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