

Police actions during a pursuit in South Auckland

INTRODUCTION

1. At about 7:40 pm on Thursday 13 August 2015, Police commenced a pursuit of a stolen vehicle containing three young people who were suspects in a series of recent crimes. The pursuit involved a number of Police cars and Eagle (the Police helicopter). On several occasions the driver (Mr X), a 16 year old male, drove on the wrong side of the road, including travelling the wrong way on the motorway.
2. Due to the risks involved, Police abandoned the pursuit multiple times. However, some officers continued to follow the fleeing vehicle. Road spikes¹ were used on three occasions to deflate the vehicle's tyres. The pursuit came to an end when the fleeing vehicle was stopped on the motorway and Mr X was arrested. In total, the pursuit lasted for approximately 20 minutes.
3. The Police notified the Independent Police Conduct Authority (the 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.

¹ A tyre deflation device.

Index of Police staff

Communications Centre Staff	Roles/Comment
Dispatcher	Maintained radio communications with officers involved in the pursuit.
Shift commander	Inspector. Performed the role of pursuit controller.
Field Staff	
Officer A	Constable, wearing plain clothes. Gold class driver ² of category B unmarked Police car. Authorised to engage in pursuits. Commenced pursuit of Mazda, and kept following throughout the majority of the pursuit. Threw his extendable baton at the Mazda's window.
Officer B	Constable, wearing plain clothes. Passenger in an unmarked Police car driven by Officer A. In charge of radio communications.
Officer C	Sergeant, supervisor of Officers A and B. Deployed road spikes at the intersection of Great South Road and Kelvyn Grove. Certified to deploy road spikes.
Officer D	Constable. Gold class driver of category A marked Police car. Authorised to engage in pursuits. Twice took over from Officer A as lead pursuing driver, before abandoning the pursuit due to the fleeing driver's manner of driving.
Officer E	Constable. Passenger of a marked Police car driven by Officer D. In charge of radio communications.
Officer F	Sergeant. Observer, Police helicopter (Eagle). Provided pursuit commentary from the third phase of the pursuit onwards.
Officer G	Senior Sergeant, duty shift supervisor. Queried the status of the pursuit during its fourth phase.
Officer H	Constable. Deployed road spikes at the intersection of Great South Road and Grande Vue Road. Certified to deploy road spikes.
Officer I	Sergeant. Deployed road spikes on Great South Road, underneath the Southern Motorway overpass. Certified to deploy road spikes.
Officer J	Acting Sergeant. Gold class driver of a category A marked Police car, helped Officer A bring the Mazda to a controlled stop at the end of the pursuit.

² A gold class response driver certificate under the Police Professional Driver Programme (PPDP) and is qualified to undertake urgent duty driving and engage in pursuits.

BACKGROUND

4. On the evening of Thursday 13 August 2015, Officers A and B were part of an operation investigating a recent series of serious crimes (including five burglaries) in South Auckland. The officers had spent several days looking for a number of young people identified as suspects for the offences.
5. At about 7.40pm, Officers A and B received a call from their sergeant (Officer C). Officer C told them that he believed he had just seen two of the young suspects (Ms Y and Ms Z) in Antalya Place, Manurewa. Officers A and B were close by in an unmarked Police car. Officer C instructed them to go and arrest Ms Y and Ms Z.
6. As Officers A and B drove along Weymouth Road, they recognised Ms Y and Ms Z walking along the pavement, approaching the BP garage on Weymouth Road. Suddenly, Ms Y and Ms Z started to run towards a Blue Mazda Familia station wagon (the Mazda) that was parked on the forecourt.
7. Officer A drove the Police car on to the garage forecourt. Officer B got out of the front passenger seat and started running towards Ms Y and Ms Z to try and prevent them from getting into the Mazda. As Officer B got closer to the Mazda, he recognised the driver (Mr X) as another suspect from the same crime series.
8. Officer A also recognised Mr X, however he knew that Mr X had been arrested recently and was meant to be in secure Child, Youth and Family services custody in Taranaki. Officer A told the Authority that this knowledge gave him some doubts as to the driver's identity. Officer A also suspected that the Mazda could be stolen.
9. Ms Y and Ms Z got into the Mazda before Officer B could stop them, and Mr X drove off. Officer B returned to the Police car, and he and Officer A followed the Mazda on to Rowendale Avenue, with the intention of stopping it.

Commencement of the pursuit and first phase

10. Once on Rowendale Avenue, Officer A drove up behind the Mazda and activated the Police car's red and blue lights and sirens to signal Mr X to stop. The Mazda did not stop, and accelerated away.
11. Officers A and B told the Authority that they conducted a risk assessment to decide if it was safe to commence a pursuit.
12. Officer B informed the Police Northern Communications Centre (NorthComms) that they had a car that was failing to stop. As the passenger, Officer B took responsibility for updating NorthComms on the radio³.

³ If the Police unit pursuing a fleeing driver includes a Police passenger, Police policy requires that officer to operate the radio and provide information about the pursuit to Police communications.

13. The dispatcher⁴ issued the standard pursuit safety warning (see paragraph 102), and alerted the shift commander as required by policy. The shift commander joined the dispatcher and assumed the role of pursuit controller⁵. Throughout the ensuing events, the dispatcher was supervised by the pursuit controller and relayed the pursuit controller's instructions to the Police staff involved.
14. Officer B acknowledged the pursuit warning. He also told the dispatcher that there were three occupants in the Mazda, it was travelling 70kph in a 50kph zone and provided its registration number.
15. As part of their risk assessment Officer B informed NorthComms that there was no other traffic on the road and that Mr X's "*manner of driving [was] good.*" Officer B also informed the dispatcher that they were in an unmarked 'category B'⁶ Police car and that Officer A was certified to be the lead driver in a pursuit.
16. When the dispatcher asked why they were in pursuit, Officer B responded that the vehicle was suspicious, and the driver was now travelling at 90kph in a 50kph zone.
17. Neither Officer B nor Officer A told the dispatcher that they believed they knew the identity of the driver and the two passengers, or that they were suspected offenders.
18. Officer A later told the Authority that he didn't think that he was empowered to stop the Mazda merely because he regarded it as 'suspicious'. However, the Mazda was being driven faster than the posted speed limit, and so he intended to stop the Mazda for this reason⁷. His plan was that while speaking to the driver of the Mazda, they could check his identity, and that of his passengers.
19. Approximately 45 seconds after the pursuit began, a marked 'category A' Police car driven by Officer D, with Officer E as the passenger, took over as the lead vehicle. Officer B had radioed Officer D, and asked him to overtake them and take over as the lead car in the pursuit. Officer A pulled to the side of the road to let Officer D pass. Officer E then took over the commentary.
20. The Mazda turned left into Sharland Avenue, before turning right onto Roscommon Road. Roscommon Road has two lanes in both directions, divided by a grassed median. Moments after turning into Roscommon Road, the Mazda crossed onto the wrong side of the road.
21. Police policy states that a pursuit must be abandoned if the risk criteria conditions change, and the risks of continuing outweigh the need to immediately apprehend the driver (see paragraph 106).

⁴ The dispatcher advises the shift commander when a pursuit has commenced, maintains radio communications with the units involved in the pursuit, obtains situation reports from the pursuing units and communicates instructions from the pursuit controller. The dispatcher is also responsible for communicating the pursuit warning to the lead pursuit unit.

⁵ The pursuit controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options. In most cases, the pursuit controller role is taken on by the shift commander in the Communications Centre

⁶ The fleeing driver policy states that an unmarked 'category B' Police car leading a pursuit should be replaced by a marked 'category A' Police car at the earliest opportunity.

⁷ Under section 114 of the Land Transport Act 1998, a Police officer may signal a vehicle to stop for a law enforcement purpose. The Police officer may also request the driver's personal details (see paragraph 99).

22. Officer D judged that continuing to pursue the Mazda when it was driving at speed, on the wrong side of the road, posed too great a risk to the public.
23. At approximately one minute and 45 seconds into the pursuit, Officer D decided to abandon the pursuit. He turned the Police car's lights and sirens off, and reduced speed. He then pulled over to the side of the road, and stopped, as required by policy (see paragraph 107). Officer E explained to the Authority that he did try to communicate this information over the radio, but the radio channel was busy and this information was not transmitted.
24. Officer B (who was in the unmarked Police car behind Officers D and E) radioed that the pursuit had been abandoned: *"Yeah Comms we are going to abandon this pursuit. He's still on the wrong side of the road, a lot of traffic coming from the other side of the road"*.
25. The dispatcher then radioed the officers, asking them to confirm that their lights and sirens had been turned off. Officer B was able to transmit: *"Yeah...we're just keeping obs[ervation]"* He went on to radio information about the Mazda's location and direction of travel
26. Officer A told the Authority that after Officers D and E abandoned the pursuit, he *"turned our lights and sirens off, we didn't pull over because...it's not a formal abandonment from Comms, so we've effectively just slowed down to the speed limit and we were amongst traffic..."*
27. Officer A further explained that his understanding of Police policy was that the pursuit controller had to formally abandon a pursuit and without this instruction they did not need to pull over and stop just because the lead Police car did, even though Officer B had informed NorthComms they were abandoning the pursuit.

Second phase of the pursuit

28. Meanwhile, the Mazda had returned to the correct side of the road, re-joining the flow of traffic just in front of Officer A's and B's car. Officer A told the Authority, *"he didn't even know we were there, because we're in an unmarked car"*. He later added *"I didn't think it was inciting him to do anything dangerous, I wasn't putting anyone at risk by driving down that road following the speed limit"*.
29. Officers A and B followed the Mazda down Roscommon Road into a commercial area. The Mazda then turned right into Langley Road. Officer A decided to follow the Mazda into Langley Road with his lights and sirens still off.
30. Officer A told the Authority that, based on previous experience, he suspected that Mr X might abandon the Mazda in this area, and try to escape on foot.
31. The Mazda continued into Boulderwood Place, and then turned down a dead-end road. This further reinforced Officer A's belief that the suspects were going to stop and run off. Officer B radioed to NorthComms: *"It's a no exit, they'll be getting ready to dump"*.

32. Officers A and B followed Mr X into the no-exit road. Mr X performed a u-turn and drove back past the officers' unmarked Police car. Officer A noticed that one of the Mazda's tyres was making a noise and it was shaking. He thought the tyre was either deflating or flat. However, he also noticed that the vehicle was still able to drive straight.
33. Officer A also conducted a u-turn and followed the Mazda back onto Roscommon Road. Officer A stated that they were keeping to posted speed limits, and Mr X was not driving fast. Officer A said that he considered the risks and noted that: the traffic was light; they were back on a major road (Roscommon Road) that was well lit; and he could not see any members of the public on foot. Officer A explained that, having made an assessment of the risks, he activated his lights and sirens.
34. The dispatcher transmitted, *"just confirm you're not in pursuit?"* Officer B replied, *"still on Roscommon heading towards State 20⁸ off-ramp, just passing Ratu Drive, ah manner of driving alright really. 90 in a 50⁹".* At this point, sirens could be heard when Officer B transmitted on the radio.
35. The dispatcher asked again: *"Are you in pursuit or not?"* Officer B confirmed that they were back in pursuit and continued to provide a commentary, giving the location of the Mazda. The dispatcher did not give the pursuit warning again.
36. Officers D and E, who had previously abandoned the pursuit, were also driving along Roscommon Road. They could hear the radio commentary provided by Officer B, and knew that they were heading in the same direction as the Mazda and Officers A and B. Officers D and E eventually drove up behind Officer A's and B's unmarked Police car.
37. Officers D and E joined the pursuit with their emergency lights and siren activated, and again overtook Officers A and B, becoming the lead Police car. Officer E took responsibility for providing the radio commentary.
38. Moments later, Officer E relayed, *"yeah Comms, he's on Manukau Station Road heading towards Manukau Road at the moment. Driving is good. Just coming up to the intersection of Ash Road."* The Mazda then crossed the centre line, and Officer E transmitted: *"He's on the wrong side of the road Comms"*.
39. Upon hearing this, the dispatcher immediately directed the officers to abandon the pursuit: *"Roger, all units abandon pursuit immediately. Acknowledge"*. This was just under four minutes into the total pursuit.
40. Officer D correctly followed Police policy and pulled over to the side of the road and switched off his lights and sirens. When the dispatcher asked if they had abandoned the pursuit, Officer E confirmed they had. Officer A confirmed to the Authority that he saw the officers in the marked Police car pull over to the side of the road and turn their lights off.

⁸ South Western motorway (SH20).

⁹ Travelling at 90kph in a 50kph zone.

41. However, Officer A did not pull over and stop his Police car, but continued on. Officer B acknowledged the dispatcher's abandonment message but went on to transmit, "*ah we're just keeping obs. Wiri Station Road still heading towards Druces [Road]*".

Third phase of the pursuit

42. A short time later, Officer B radioed that he was "*still keeping obs*" on the Mazda, and it was now turning right into Hobill Avenue. Officer A told the Authority that, at this point, he had turned his lights and sirens off. Officer A waited for the traffic lights to turn green at the intersection of Hobbill Avenue and Wiri Station Road, and then continued on, driving at the speed limit.
43. Officer A explained to the Authority that he could still see the Mazda ahead, as Mr X was not going fast. He also stated that he could see that the Mazda was starting to shake and that the left tyre was flat.
44. The pursuit controller told the Authority that he understood from Officer B's phrase "*keeping obs*" (see paragraph 42) that Officer A's and B's Police car was stationary, possibly stopped where he could see some distance, and was giving updates on the Mazda's direction of travel from his vantage point.
45. Officers A and B continued to follow the Mazda along Earl Richardson Avenue, and left onto Druces Road. Officer A was not sure if Mr X realised he was still being followed, but told the Authority that, at this point, there were a number of marked vehicles converging on them. Officer A could hear the sirens of these Police cars.

Mr X drives the wrong way on the motorway

46. As Mr X reached the major intersection of Wiri Station Road and Druces Road, Officer A recalled seeing other Police cars approaching from various different directions. Officer A told the Authority that he was not sure whether Mr X was "*provoked*" by the number of Police cars. Mr X drove straight through the intersection against the red traffic lights, turned right and drove the wrong way down the motorway on-ramp onto the South Western motorway (SH20).
47. Officers A and B stopped their Police car and watched the Mazda until it went out of sight. No other Police cars followed the Mazda onto the motorway. Officers A and B explained to the Authority that they used their local knowledge to anticipate where Mr X might go and, in particular, which motorway junction he would leave the motorway from. They informed NorthComms which way they thought the Mazda may head and started driving towards the motorway off-ramp on East Tamaki Road.
48. Moments later, officers in another Police car reported seeing the Mazda parked on the wrong side of SH20, underneath one of the motorway over-passes. It is now believed that Ms Y and Ms Z got out of the Mazda at this point and escaped on foot. The Mazda then continued southwards, on the wrong side of the road, towards the Southern motorway (SH1).

49. Eagle (the Police helicopter) was called to assist with tracking the Mazda, but was unable to immediately move into the airspace above the pursuit.
50. At approximately six minutes and ten seconds into the pursuit, the dispatcher, on the direction of the pursuit controller, radioed: *“All units involved in this pursuit we are not to re-engage at all”*.
51. An unidentified Police officer radioed NorthComms, and asked where the Mazda was actually going. This prompted another officer, who could still see the Mazda, to respond that the Mazda was now travelling southwards in the northbound lane of SH1.
52. At this point, Eagle was able to enter the airspace overhead and reported that the Mazda was travelling on SH1 with its headlights off.
53. Officer F, who was the observer on-board Eagle, saw the Mazda make a u-turn across traffic, and turn northwards, so that it was travelling in the same direction as the rest of the traffic. As the Mazda turned across the traffic it nearly collided with a truck. At the time, Officer F reported that the Mazda was *“clipped”* by a truck going past. Both the Mazda and the truck carried on driving.
54. Officers in other Police cars contacted NorthComms and offered to stop traffic from joining the motorway. The dispatcher co-ordinated these units and they started to close the motorway on-ramps. Once the Mazda returned to the correct side of the road and was travelling with the flow of traffic, the stopped traffic was allowed to continue on to the motorway.
55. Some of the Police cars that had taken up position at motorway exits requested permission from NorthComms to deploy spikes¹⁰. NorthComms confirmed they had permission to use spikes.
56. In the meantime, Eagle, which had been observing the Mazda as it travelled along SH1, was directed by Air Traffic Control to leave the airspace. This meant that Police no longer had the Mazda in sight, and Police only knew the Mazda’s last direction of travel.
57. When Eagle was allowed back into the airspace, it began to search the motorway to make sure the Mazda had not stopped.

Fourth phase of the pursuit

58. When Officers A and B arrived at the intersection of SH1 and East Tamaki Road, they saw the Mazda stationary at the traffic lights and waiting to turn left onto Otara Road. Officer A told the Authority that he conducted a risk assessment to see if it was safe to try to apprehend Mr X.
59. He observed that the traffic was light, and, as Mr X had waited for the traffic lights to change, he was abiding by the road rules. Officer A decided to switch on his lights and siren to indicate Mr X to pull over.

¹⁰ A tyre deflation device.

60. Officer B radioed NorthComms, and said that they were *“just in behind”* the Mazda on Otara Road.
61. The dispatcher responded: *“That unit behind that vehicle confirm you are not in pursuit? Over”*. Officer B replied *“affirm, we are just in behind it now lights and sirens. 60 in a 50.”*¹¹ *Manner of driving all good. Just one up*¹² *now Comms”*.
62. The dispatcher then gave the pursuit warning over the radio (see paragraph 102). Police policy states that: *“An abandoned pursuit must not be recommenced without the approval of the pursuit controller.”* Officers A and B later told the Authority that when they heard the pursuit warning, they understood that to mean that they had been given permission to pursue the Mazda.
63. However, the dispatcher told the Authority that, since she understood that the Police car was already back in pursuit, she re-issued the standard pursuit warning, as a matter of course. However, the pursuit controller did not authorise the recommencement of the pursuit.
64. Shortly afterwards, approximately nine minutes and 40 seconds into the pursuit, Eagle arrived back overhead and took over the radio commentary. The Mazda continued along Otara Road, then turned left onto Bairds Road, which becomes Hellebys Road. Officer F informed NorthComms that he could see three Police cars in pursuit of the Mazda, and that an unmarked Police car (Officers A and B) was the lead vehicle.
65. At this point, the duty shift supervisor (Officer G), who had been listening to the radio transmissions, radioed NorthComms and asked, *“this person, if he’s driving on the wrong side of the road, has a decision been made to pull it?”*
66. NorthComms did not respond to Officer G. Eagle continued to give radio updates, again stating that the lead pursuing Police car was unmarked. The Mazda re-joined SH1 at the next intersection, and headed southwards in the correct lane.
67. Officers in other Police cars radioed that they were going to stop pursuing the Mazda. Officer B radioed to NorthComms, *“...we have now got a marked car in front of us. We’re all lights off”*¹³, *following the vehicle, listening to Eagle’s commentary”*.
68. Officer F continued the commentary, advising that the Mazda was:
- in the left lane of three lanes, heading southwards;
 - travelling at approximately 80kph or 90kph in light traffic;
 - possibly a little damaged; and
 - approaching the Te Irirangi Drive off-ramp.

¹¹ Travelling at 60 kph per hour in a 50 kph zone.

¹² Only one person in the vehicle.

¹³ Emergency flashing lights deactivated.

69. The dispatcher radioed Officers A and B to ask whether they were following the Mazda. Officer B replied: *“Comms ... we’re about three vehicles behind now”*. The dispatcher directed them to pull out, explaining: *“We only want two vehicles following, over.”*
70. Another officer then confirmed over the radio that their own Police car, and that driven by Officer A, were now following about half a kilometre behind the pursuit.

Mr X drives the wrong way up a motorway on-ramp

71. Approximately 14 minutes into the pursuit, Eagle reported that the Mazda had conducted a u-turn and was travelling the wrong way up the motorway on-ramp, towards Redoubt Road. NorthComms immediately directed all officers to abandon the pursuit: *“Comms on 10/1, 10/1¹⁴ all units involved in the pursuit. If you are in pursuit you are to abandon”*.
72. Mr X exited the motorway, and then turned onto the Great South Road. Eagle continued to observe and provided a commentary as the Mazda drove down the Great South Road, and Mr X turned his headlights back on.
73. Officer G commented over the radio that she could hear sirens in the background when units that had been involved in the pursuit were transmitting, so it sounded like officers were still in pursuit of the Mazda, contrary to instructions. She radioed NorthComms: *“Have you confirmed that people have pulled out from the pursuit?”* Officer B responded, *“no-one is actually in pursuit. We’re just trying to get into position to spike, that’s why lights and sirens are going. Eagle is over the top.”*
74. Officer B later explained to the Authority: *“When he’s done the u-turn back up towards Redoubt [Road]... no one is following at this stage, everyone’s stopped and Eagle’s still overhead.”* Officer B told the Authority that their lights and sirens were off at this time.
75. Officers A and B went onto SH20 and then exited the motorway, making their way onto the Great South Road in order to catch up with the Mazda. Officer B told the Authority, *“we could see the Mazda in the distance and we just, yeah, 400 metres behind, lights and sirens, off. Just keeping obs, while Eagle was giving us sightings”*.

Fifth phase of the pursuit

76. Approximately 16 minutes into the pursuit, Eagle advised that the Mazda’s headlights were still on, but it had gone through a red traffic light: *“We’re now at Kerrs intersection. Lights off. Green light straight through. Traffic is light. Road conditions are good. He’s travelling approximately at 50k”*. Moments later, Eagle provided further commentary that noted that the Mazda had slowed to 35kph, and it had gone through another red light.
77. NorthComms asked Eagle to confirm that the Mazda had its headlights off. Officer E reported: *“No, lights are back on as we speak, uh we’re in the left lane going left on Kerrs Road, copy. Left on Kerrs so we are heading back towards the motorway. We’re on Orams. Vehicle pulling over, doing a u-turn”*.

¹⁴ A Police radio code alerting listeners that an important broadcast is to follow.

78. Officers A and B caught up with Mr X as he approached Orams Road. Mr X turned left on Orams Road and started to do a u-turn. Officer A told the Authority that he thought that the Mazda was “knackered” and he believed that Mr X was going to come to a stop, and “was going to run”.
79. Officer A stopped his Police car to try to block the Mazda. Officers A and B got out, and ran towards the Mazda. The Mazda reversed into a driveway. Officer A threw his extendable baton at the Mazda. The baton bounced off the front passenger window, and Mr X drove away.
80. Officer A explained to the Authority that he was trying to break the window so that he could open the door, reach in to pull the handbrake up, and stop Mr X.
81. Eagle informed NorthComms what had just happened: “Comms, Eagle, we had a unit pull in front of the vehicle as it was doing a u-turn and it’s reversed away from them and its back on Orams on rims”. The Mazda then turned left on to the Great South Road and continued to head south towards Manurewa.

Use of spikes

82. The pursuit controller authorised officers to use road spikes during the third phase of the pursuit (see paragraph 55). Consequently, some officers had positioned themselves at various intersections along the Great South Road, ready to lay spikes, in case Mr X drove in their direction.
83. Police deployed spikes three times as the Mazda drove along Great South Road, in co-ordination with NorthComms:
 - 83.1 Approximately 18 minutes into the pursuit, Mr X drove over spikes at the intersection with Grande Vue Road laid by Officer H. Officer H had been in radio contact with NorthComms as the Mazda approached his location, and subsequently reported that the spikes had punctured two of the Mazda’s tyres.
 - 83.2 A short time later, Mr X drove over the spikes deployed by Officer C at the intersection with Kelvyn Grove. Unfortunately, a member of the public also drove over the spikes before Officer C was able to withdraw them. Assistance was given to that person by Officer C.
 - 83.3 Finally, the Mazda was spiked on the Great South Road as it passed under the Southern Motorway. The deploying officer (Officer I) did not have time to seek specific deployment permission from NorthComms. However, he was able to take cover behind one of the concrete bridge support columns after deploying the spikes, then reported the successful spiking to NorthComms. As before, a member of the public drove over the spikes after Mr X had done so. The member of the public’s tyres were damaged and the cost of the damage was reimbursed by Police.
84. Eagle observed each use of road spikes, and Officer F radioed his observations to NorthComms. Officer F estimated that the Mazda’s speed decreased from 70kph to approximately 40kph after being spiked.

Continuation of the fifth phase of the pursuit

85. Meanwhile, Officers A and B had returned to their Police car and drove in the same direction as the Mazda. They said that they kept within the speed limit (50kph) and soon caught up with the Mazda on Great South Road.
86. They estimated that the Mazda was only able to travel at 30kph because of the damage to its tyres. Officers A and B maintained what they considered to be a safe distance behind the Mazda, especially as it was dark, and they were in an unmarked car with their emergency lights off. Officer A said he believed that they *“looked like any other member of the public”* driving down the road.
87. Mr X continued south along the Great South Road, and travelled for several kilometres until he reached SH1. He went through a red traffic light and joined the motorway, travelling southwards.
88. From his position behind the Mazda, Officer A could see that the Mazda’s two front tyres were flat, and sparks were coming from the wheels. He followed the Mazda onto SH1.
89. Eagle’s camera footage shows several Police vehicles following the Mazda onto the motorway at a distance. The Police cars positioned themselves to prevent the normal flow of traffic from passing them, in order to keep the public away from the Mazda.
90. Eagle continued to provide a commentary and noted that the Mazda’s wheels were spinning. The Mazda travelled at slow speeds down the motorway for approximately two kilometres. The Mazda then appeared to slow even further, as if it was going to stop. However, the Mazda continued onwards.
91. Officer J, an Acting Sergeant, drove slowly alongside Officer A’s and B’s Police car to prevent other traffic overtaking them. Officer A and Officer J were able to talk to each other through their car windows. They made a plan to block in the Mazda when a good opportunity arose.
92. Officer J told the Authority that Mr X swerved to the left, briefly sped up and then stopped in the middle of the road, *“and that’s when we moved in”*. Officer J and Officer A used their vehicles to block the Mazda, bringing it to a complete stop. The Mazda made contact with the Police cars, but caused no damage. Other Police cars, including a Police dog van, also pulled up behind the Mazda. Mr X was pulled out of the Mazda and arrested.

The occupants of the Mazda

93. At the time of the pursuit, Mr X was 16 years old. Following his arrest he was charged and subsequently convicted of several offences including unlawfully taking a motor vehicle and dangerous driving. Mr X also received convictions for a number of previous offences.
94. Ms Y and Ms Z were located the following day and arrested in connection with outstanding offences and in connection with this pursuit.

Police investigation

95. Police conducted an employment investigation into the actions of the key officers involved.

Authority's investigation

96. 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.

97. The Authority also listened to a recording of radio transmissions during the pursuit, and viewed Eagle's camera footage.

LAWS AND POLICIES AT THE TIME OF THE INCIDENT

Legislative authority for pursuits

Section 9 of the Search and Surveillance Act 2012

98. *“A constable may stop a vehicle without a warrant to arrest a person if the constable has reasonable grounds—*

(a) to suspect that a person—

(i) is unlawfully at large; or

(ii) has committed an offence punishable by imprisonment; and

(b) to believe that the person is in or on the vehicle.”

Section 114 of the Land Transport Act 1998

99. *“... (2) An enforcement officer in a vehicle following another vehicle may, by displaying flashing blue, or blue and red, lights or sounding a siren, require the driver of the other vehicle to stop.”*

“... (3) An enforcement officer may require the driver of a vehicle that is stopped under this Act to—

(a) remain stopped for as long as is reasonably necessary for an enforcement officer to obtain the particulars referred to in paragraph (b), or to complete the exercise of any other power conferred on an enforcement officer by this Act; and

(b) on demand by an enforcement officer,—

(i) give his or her full name, full address, date of birth, occupation, and telephone number, or such of those particulars as the enforcement officer may specify; and

(ii) state whether or not he or she is the owner of the vehicle; and

(iii) if the driver is not the owner of the vehicle, give the name and address of the owner or such particulars within the driver’s knowledge as may lead to the identification of the owner.”

Fleeing driver policy¹⁵

100. The overriding principle of the Police fleeing driver policy is that *“Public and staff safety takes precedence over the immediate apprehension of the offender.”*

¹⁵ Police Fleeing Driver policy was updated in July 2016. Policy references in this report relate to the policy in place at the time of the incident in August 2015.

101. 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.

102. When a pursuit commences, the communications centre must be notified. The communications centre must provide the following warning to the pursuing officers:

“If there is any unjustified risk to any person you must abandon pursuit immediately”

Roles and responsibilities

103. Under the policy, the driver of the lead Police vehicle has primary responsibility for the initiation, continuation and conduct of a pursuit.

104. The driver must comply with relevant legislation, ensure lights and siren are activated, drive in a manner that prioritises public and police safety, continue to undertake risk assessments throughout the pursuit, maintain constant communication with the communications centre, comply with all directions from the pursuit controller (i.e the shift commander at the Police communications centre), and comply with all directions from a police passenger if the passenger is senior in rank or service.

Abandonment

105. The driver of the primary unit or the pursuit controller can abandon a pursuit.

106. A pursuit must be abandoned when (among other criterion):

- an offender’s identity becomes known and apprehension can be effected later, so long as there is no immediate threat to the public or staff safety or the fleeing vehicle’s location is no longer known; or
- any of the risk assessment criteria conditions change, such as road or weather conditions, that mean the risks of continuing with the pursuit outweigh the need for immediate apprehension of the fleeing driver.

107. Following the direction to abandon a pursuit, all participating units must immediately acknowledge the direction to abandon, reduce speed, deactivate the Police car’s warning lights and siren, and stop as soon as it is safe to do so.

108. Permission may be given to units to undertake a search to locate the offending vehicle. The Police units must not exceed posted speed limits during search phase.

Recommencement

109. If the fleeing driver is re-located during search phase and is signalled to stop, but attempts to evade Police, *“approval from the pursuit controller must be **sought and received** [emphasis added] before the pursuit can continue.”*

110. 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

111. 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.”

112. Certified officers may deploy road spikes when there is no other, less dangerous means of stopping a fleeing vehicle and the spikes cannot be used without unjustified risk to any person. Officers are instructed to consider, among other things, the urgency of the situation and how the deployment will impact on the fleeing driver and vehicle.

113. Under the policy officers deploying road spikes are required to establish the speed of the pursuit, provide situation reports to the pursuit controller, 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. 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.

114. 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.

Use of Force

115. The Police Use of Force policy provides guidance to Police officers about the use of force. The policy sets out the options available to Police officers when responding to a situation. Police officers have a range of tactical options available to them to help de-escalate a situation, restrain a person, effect an arrest or otherwise carry out lawful duties.

116. Police policy provides a framework for officers to assess, reassess, manage and respond to use of force situations, ensuring the response (use of force) is necessary and proportionate given the level of threat and risk to themselves and the public. Police refer to this as the TENR (Threat, Exposure, Necessity and Response) assessment.
117. An officer must also constantly assess an incident based on information they know about the situation and the behaviour of the people involved; and the potential for de-escalation or escalation. The officer must choose the most reasonable option (use of force), given all the circumstances known to them at the time. This may include information on: the incident type, location and time; the officer and subject's abilities; emotional state, the influence of drugs and alcohol, and the presence or proximity of weapons; similar previous experiences; and environmental conditions. Police refer to this assessment as an officer's Perceived Cumulative Assessment (PCA).
118. A key part of an officer's decision to decide when, how, and at what level to use force depends on the actions, or potential actions, of the people involved, and depends on whether they are: cooperative; passively resisting (refuses verbally or with physical inactivity); actively resisting (pulls, pushes or runs away); assaultive (showing an intent to cause harm, expressed verbally or through body language or physical action); or presenting a threat of grievous bodily harm or death to any person. Ultimately, the legal authority to use force is derived from the law and not from police policy.
119. The policy states that any force must be considered timely, proportionate and appropriate given the circumstances known at the time. Victim, public and Police safety always take precedence, and every effort must be taken to minimise harm and maximise safety.

THE AUTHORITY'S FINDINGS

Were Officers A and B justified in commencing the initial pursuit of the Mazda?

120. Police officers are empowered to stop a vehicle if they have reasonable grounds to suspect that a person in the vehicle has committed an offence which is punishable by a term of imprisonment under section 9 of the Search and Surveillance Act 2012 (see paragraph 98).
121. In this case, Officers A and B believed that they recognised the driver and two female occupants of the Mazda (see paragraph 6 and 7) as the young people that they were looking for in connection with a series of serious crimes.
122. While Officer A had some reservations about the identity of the driver (see paragraph 8), the Authority considers that the officers had reasonable grounds to believe that the Mazda's occupants were the wanted young people, and were justified in signalling the driver to stop in order to arrest the Mazda's occupants under section 9 of the Search and Surveillance Act.
123. The Mazda accelerated away from the Police car after Officer A signalled the driver to stop using lights and sirens (see paragraph 10). Under Police fleeing driver policy, officers may commence a pursuit when a driver who has been signalled to stop by Police fails to stop and attempts to evade apprehension.
124. Officers are required by the fleeing driver policy to conduct a risk assessment prior to commencing a pursuit. As discussed in paragraph 15, Officer A considered the risk factors involved and decided it was safe to commence the pursuit because there was initially no other traffic on the road and Mr X's driving was not considered dangerous.

FINDING

Officers A and B were justified in commencing the initial pursuit.

Did communication between the officers and NorthComms comply with Police policy?

125. The Police fleeing driver policy requires officers who commence a pursuit to provide notification of this to the communications centre. The policy also requires the dispatcher to provide a safety warning, and after acknowledging this warning officers must provide information about their location and direction of travel to the dispatcher (see paragraphs 100-102).
126. The dispatcher is then required to request information from the pursuing officers about the reason for the pursuit, vehicle description, posted speed limit, road and traffic conditions, weather, the offender's manner of driving and identity, and the Police driver and vehicle classifications, as well as confirmation that warning devices are activated on the Police car.

127. As required by Police policy, Officer B informed the dispatcher that they were in pursuit and acknowledged the pursuit warning (see paragraph 12-14).
128. Officer B then provided details about the Mazda's speed, registration, the number of occupants and the manner of Mr X's driving, the traffic conditions, Officer A's driver certification, and the Police car's 'category B' classification (see paragraphs 14-15).
129. However, Officer B did not inform NorthComms that he and Officer A believed they knew the identity of the occupants of the Mazda, that they were young people, and that Police were looking for them as suspects for some serious crimes. This was the primary reason for the pursuit, and important information for the pursuit controller to consider as part of his ongoing risk assessment about whether the pursuit was justified.
130. Police fleeing driver policy provides that if the offender's identity is known, they pose no immediate threat to public and staff safety, and they can be apprehended at a later time, the pursuit must be abandoned (see paragraph 106).
131. The Authority asked the pursuit controller if it would have assisted him to know that Officers A and B thought that they knew the identity of the driver and occupants when the pursuit commenced. He said that it would have, and that he would "*probably*" have ordered the pursuit to be abandoned at that early stage, because he believed that the offenders would still have been located and apprehended "*fairly soon*".
132. In general, as the pursuit continued, the officers in Police cars and in Eagle provided good information to NorthComms about the Mazda's speed and manner of driving, including when Mr X drove on the wrong side of the road (see paragraphs 24, 38 and 71), when Mr X clipped a truck (paragraph 53) and when Mr X drove without his headlights or crossed intersections against the traffic lights.
133. Throughout the pursuit, Officer B used the phrase "*keeping obs[ervation]*" several times, to describe situations when he and Officer A continued to follow the Mazda after the pursuit had been abandoned by another officer (see paragraph 25), or by the pursuit controller (see paragraphs 41, 42, and 75).
134. The tactic of 'keeping observation' is not part of Police fleeing driver policy, and does not form part of the standard radio communications procedure in a pursuit situation. As described in paragraph 44, this phrase provided the pursuit controller with the false impression that Officers A and B were observing the Mazda and providing a commentary from a stationary position.
135. The phrase caused ongoing confusion for the pursuit controller and Officer G about the status of the pursuit, which in turn undermined the ability of the pursuit controller to provide fully informed, effective command and control of the pursuit.

FINDINGS

Communication between the officers and NorthComms generally complied with policy.

Officers A and B should have informed the pursuit controller that they believed they knew the identity of the offenders in the Mazda.

Officer B should have clearly communicated to the pursuit controller that he and Officer A were continuing to drive behind the Mazda after the pursuit had been abandoned. His failure to do so compromised the pursuit controller's ability to control the pursuit.

Did Officers A and B comply with fleeing driver policy?

136. In the Authority's view, Officers A and B should not have continued to follow the Mazda after the pursuit was abandoned on Roscommon Road during the first phase of the pursuit (see paragraph 20). Their actions from this point onwards showed flagrant disregard for certain aspects of the fleeing driver policy. The Authority discusses specific examples of their non-compliant behaviour below.

Abandonment

137. The fleeing driver policy requires Police to abandon a pursuit if at any stage the risk to the safety of the public and the Police outweighs the immediate need to apprehend the driver. Pursuing officers and the pursuit controller must conduct an assessment of relevant risk factors to determine this.

138. If the pursuit controller decides that a pursuit must be abandoned, or if they are advised that a unit has abandoned a pursuit, he or she must give a direct order to all units to abandon the pursuit. All pursuing units must then follow abandonment procedure as set out in paragraph 107.

139. Officers A and B failed to follow correct abandonment procedure on at least two occasions during the pursuit, by failing to pull over and stop their Police car, and deactivate their emergency lights and sirens. These failures occurred when:

139.1 Mr X crossed the centre line for the first time, and Officers D and E (the lead pursuing vehicle) decided to abandon the pursuit (see paragraph 23); and

139.2 Mr X crossed the centre line for the second time, and the pursuit controller directed all units to abandon immediately (see paragraph 39);

140. Officer A explained to the Authority that he continued to drive after the Mazda on this first occasion because he did not believe that the pursuit had been formally abandoned. The pursuit controller had not confirmed the abandonment over the radio, as required by policy, and so Officer A did not believe that he needed to pull over and stop when Officer D chose to do so (see paragraph 27).

141. The Authority accepts that the pursuit controller should have confirmed the abandonment of the pursuit over the radio. However, Officer A could see that Mr X was driving on the wrong side of the road, which put public safety at risk. He should have judged for himself that it was unsafe to continue the pursuit, and should have followed abandonment procedure by pulling to the side of the road and stopping. He was not permitted to continue to drive after the Mazda without the permission or knowledge of the pursuit controller, who had ultimate responsibility for the safety of the pursuit.
142. Fleeing driver policy at the time enabled the pursuit controller to authorise a search for the fleeing vehicle after a pursuit had been abandoned (see paragraph 108). However, the officers did not seek specific permission to look for the Mazda during this incident.
143. For example, after the pursuit controller called for the pursuit to be abandoned during the fourth phase of the pursuit (see paragraph 71), Officers A and B decided to drive towards Great South Road, without permission and of their own accord, in order to catch up with Mr X (see paragraph 75).

Recommencement

144. Policy sets out strict protocols for recommencing a pursuit. It may only be done with the approval of the pursuit controller, and when the circumstances have changed sufficiently so that the need to immediately apprehend the offender is no longer outweighed by the risks posed by recommencing the pursuit (see paragraphs 109-110). Officers A and B recommenced the pursuit twice without the pursuit controller's approval.
145. Officer A decided to recommence the pursuit of the Mazda as it turned back onto Roscommon Road during the second phase of the pursuit, without seeking the pursuit controller's permission, and despite being challenged by the dispatcher (see paragraphs 34-35).
146. The officers again made the independent decision to signal Mr X to pull over when he was waiting at the traffic lights at the intersection of SH1 and East Tamaki Road (see paragraph 59). The officers' decision followed a period of extremely dangerous driving by Mr X on SH20, and was made despite a clear direction by the pursuit controller not to re-engage (see paragraph 50).
147. Officer B's radio communication in paragraph 61 made it clear to the dispatcher that they were already in pursuit. The dispatcher issued the standard pursuit warning as required by policy (see paragraph 62). On receiving the pursuit warning from the dispatcher, Officers A and B considered that the pursuit controller had given implicit authorisation to recommence the pursuit.
148. The Authority disagrees with the officers' interpretation of policy. The officers did not specifically seek approval to recommence the pursuit from the pursuit controller, and the pursuit controller did not explicitly provide it, as policy requires (see paragraph 109).

FINDING

Officers A and B did not comply with the fleeing driver policy with respect to the abandonment and recommencement of a pursuit, and disregarded the pursuit controller's instructions. Their actions amounted to a significant departure from the fleeing driver policy.

Did the pursuit controller exercise adequate command and control throughout the pursuit?

149. It is the pursuit controller's responsibility to supervise the pursuit, coordinate the overall response and select and implement the appropriate tactical options.
150. The pursuit controller gave clear directions to pursuing officers during the earlier phases of the pursuit. He was quick to order the officers to abandon the pursuit when Mr X drove on the wrong side of the road for a second time (see paragraph 39), and directed them not to recommence the pursuit after Mr X had driven dangerously on the motorway (see paragraph 50).
151. However, the pursuit controller should have become more assertive in his command during the fourth phase of the pursuit when it became increasingly clear that pursuing officers were not following instructions or accurately communicating their status and actions. It was also apparent that Mr X was continuing to drive in a dangerous manner.
152. By this point, Officers A and B had recommenced the pursuit without permission and the dispatcher had re-issued the pursuit warning. The Authority considers that it would have been appropriate for the pursuit controller to have himself radioed a direction to Officers A and B, and any other pursuing officer, to immediately follow abandonment procedure. The pursuit controller could then have instructed Eagle to inform him if any officers did not comply.
153. Unfortunately, the absence of such direction, and the dispatcher's subsequent instruction to Officers A and B to *"pull out"* of the pursuit as they *"only wanted two vehicles following"*, only served to endorse the officers' actions, and further undermine the pursuit controller's own command.
154. The dispatcher issued another direction for all pursuing units to abandon towards the end of the fourth phase (see paragraph 71), however by this stage, Officers A and B were quite prepared to make their own tactical decisions without reference to the pursuit controller's directions. The pursuit controller did not challenge Officer B when Officer B explained why Police cars still had lights and sirens activated (see paragraph 73), or when Officer B advised NorthComms that he and Officer A were still following the Mazda (see paragraph 75).
155. Officer G, the duty shift supervisor, twice asked why officers still appeared to be in pursuit of Mazda, despite Mr X's dangerous driving. The pursuit controller did not respond to Officer G on either occasion.

FINDING

The pursuit controller generally gave clear directions to the pursuing officers during the pursuit but during the last phases he should have exercised stronger command and control.

Did Police comply with policy in relation to the deployment of road spikes?

156. The Police fleeing driver policy and the Tyre Deflation Device (TDD) policy permits the use of road spikes to facilitate the end of a pursuit and stop fleeing vehicles in the safest possible manner (see paragraphs 111-114 for relevant policy).
157. The pursuit controller authorised the use of spikes during the third phase of the pursuit (see paragraph 55). Several officers prepared road spikes for deployment along Great South Road, which is a long straight road, with good visibility in either direction.
158. Road spikes were successfully deployed three times (see paragraph 83). The resulting damage caused the Mazda's speed to decrease to 30kph-40kph, which allowed the Mazda to be brought to a controlled stop by Officers A and H a short time later (see paragraph 92).
159. The Authority is satisfied that the officers communicated appropriately with NorthComms before and after the spikes were deployed, and sought cover where possible. It was unfortunate that some members of the public sustained damage to their car tyres as a consequence of the deployment of spikes, but this was not the fault of the deploying officers.

FINDING

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

Was Officer A justified in throwing his baton at the Mazda?

160. Section 39 of the Crimes Act 1961 provides for a Police officer to use reasonable force in the execution of his or her duties, such as arrests. Specifically, it provides that officers may use "*such force as may be necessary*" to overcome any force used in resisting the law enforcement process unless the process "*can be carried out by reasonable means in a less violent manner.*"
161. Section 40 of the Crimes Act 1961 provides that a Police officer may use necessary force in order to prevent a person from fleeing to avoid arrest, unless the escape can be prevented by reasonable means in a less violent manner.
162. When the Mazda reversed into a driveway on Orams Road during the fifth phase of the pursuit, Officer A ran towards the car and threw his extendable baton at the front passenger window in an attempt to break it (see paragraphs 78-80). Officer A planned to reach through the broken window, unlock the door and pull up the handbrake of the Mazda to stop Mr X. However, the baton did not break the window, and Mr X was able to drive away.

163. Officer A told the Authority that he believed he was justified in throwing the baton under section 9 of the Search and Surveillance Act 2012, and under section 114 of the Land Transport Act 1998 (see paragraphs 98 and 99). However, neither of these sections authorise an officer to use force.
164. The Police Use of Force policy provides a framework for officers to assess and respond to situations involving threat and risk to themselves and members of the public. Force used by an officer must be necessary and proportionate to the threat, and based on (among other factors) the information they know about the situation at the time, and the behaviour and potential actions of the offender.
165. When Officer A ran towards the Mazda, Mr X did not pose an immediate threat to Officer A's safety. Although Mr X had behaved recklessly during the pursuit, he had not deliberately attempted to harm a Police officer or any other person during this incident.
166. It was also unnecessary for Officer A to act immediately. Mr X had few options, and was going to do one of two things.
167. Mr X was either going to get out of the car and try to run away, in which case breaking the car window was pointless.
168. Alternatively, Mr X was going to drive away. As Officer A had already noted, the Mazda was "knackered" (see paragraph 78), and was not going to be in a driveable condition for much longer. It was only a matter of time before Police were able to catch up with the Mazda and apprehend Mr X.
169. In the Authority's view, Officer A's stated plan was never likely to be successful. It was extremely unlikely that the baton would break a car window. As such, the force used by Officer A (in throwing his baton) was unnecessary, and therefore unjustified under sections 39 and 40 of the Crimes Act 1961.

FINDING

Officer A was not justified in throwing his baton at the Mazda.

CONCLUSIONS

170. This pursuit included many of the high-risk factors which have led other pursuits to end in tragedy. A young person was behind the wheel, and he was prepared to drive in an increasingly dangerous manner on major roads and motorways to avoid apprehension. It was dark, and the car driven by Mr X was damaged. Other young people were in the car.
171. Officers A and B were aware of all of these factors. Yet, they repeatedly disregarded fleeing driver policy, and the directions of the pursuit controller. Their actions were irresponsible, and showed extremely poor judgment. The apprehension of Mr X, Ms Y and Ms Z could not be justified when balanced against the mounting risks of this particular pursuit.
172. The pursuit controller attempted to control the pursuit, but was hampered by an incomplete understanding of the context of the pursuit, the identity of the offenders and the actions of Officers A and B. Regardless, the pursuit controller should have demonstrated more proactive and assertive command and control towards the end of the pursuit.
173. The Authority has concluded on the balance of probabilities that:
- 173.1 Officers A and B were justified in commencing the initial pursuit.
 - 173.2 Communication between the officers and NorthComms generally complied with policy.
 - 173.3 Officers A and B should have informed the pursuit controller that they believed they knew the identity of the offenders in the Mazda.
 - 173.4 Officer B should have clearly communicated to the pursuit controller that he and Officer A were continuing to drive behind the Mazda after the pursuit had been abandoned. His failure to do so compromised the pursuit controller's ability to control the pursuit.
 - 173.5 Officers A and B did not comply with the fleeing driver policy with respect to the abandonment and recommencement of a pursuit, and disregarded the pursuit controller's instructions. Their actions amounted to a significant departure from the fleeing driver policy.
 - 173.6 The pursuit controller generally gave clear directions to the pursuing officers during the pursuit but during the last phases he should have exercised stronger command and control.

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

173.8 Officer A was not justified in throwing his baton at the Mazda.

A handwritten signature in black ink, appearing to read 'David Carruthers', written in a cursive style.

Judge Sir David Carruthers

Chair
Independent Police Conduct Authority

22 November 2016

IPCA: 15-0769

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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