Fleeing Drivers in New Zealand

a collaborative review of events, practices, and procedures

MARCH 2019

EMBARGOED UNTIL 12PM FRIDAY 15 MARCH 2019

NEW ZEALAND POLICE
Ngā Pirihimana o Aotearoa

IPCA
Independent Police Conduct Authority
Mana Whanonga Pirihimana Motuhake

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Glossary

Abandon	Permanently abandon the fleeing driver pursuit. No further attempt to signal the vehicle to stop will be made unless the Pursuit Controller gives prior approval.
Air Support Unit (ASU/Eagle)	A team of Police officers trained to provide air support activities. Police's helicopter is based in Auckland City. This has the radio call sign "Eagle'.
Automatic Number Plate Recognition (ANPR)	A technology used to automatically identify vehicles of interest, as flagged in the National Intelligence Application (NIA), Motor Vehicle Register (MVR), and Driver Licence Register (DLR) from their number plates.
Authorised follow	A tactic whereby the Police helicopter keeps a fleeing vehicle under observation allowing Police officers on the ground to increase their distance from the fleeing vehicle and not actively pursue.
Automated Resource Locator (ARL)	Technology fitted into a vehicle to show its location.
Communications and Resources Deployment System (CARD)	CARD is an electronic Police system used in Communications Centres, in which events are created and managed. An Event chronology is created as part of the system.
Controlled collision	A tactic where an officer deliberately uses the Police vehicle to make contact with a fleeing vehicle, after it has been successfully spiked and is travelling at low speed.
Comms	The Police colloquial term for a Communications Centre. There are three Communications Centres based in Auckland, Wellington and Christchurch.
Dispatcher	The dispatcher advises the shift commander when a pursuit has commenced, provides the pursuit warning, maintains radio communications with the units involved in the pursuit, and communicates instructions from the Pursuit Controller.
District reviewer	Nominated by the District Commander to review pursuits that have occurred in their district.
Field Supervisor	The shift supervisor, normally a sergeant, who oversees the event – this may be different to the pursuing officer's line supervisor.

Fleeing driver	A driver who has been signalled to stop by a Police officer but fails to do so.
Fleeing driver event	Includes the whole event from the point at which the vehicle is signalled to stop, the decision to initiate a pursuit is made, the pursuit itself, and post-event follow up.
Fleeing Driver Notification form	The Fleeing Driver notification form captures a range of data about a pursuit. This includes offender and offender vehicle details, whether any tyre deflation devices were used, and a narrative of the pursuit. This is initially created by the Comms staff and then completed by the lead vehicle driver.
Gold class driver	A Gold Police driver is authorised to engage in urgent duty driving and pursuits without supervision.
Inquiry Phase	If a fleeing driver is not apprehended at the time of a fleeing driver event all viable lines of inquiry should be undertaken to identify and hold a fleeing driver accountable. An inquiry phase does not involve urgent duty driving or frontline units actively searching the immediate vicinity for a fleeing vehicle.
Lead vehicle	The first Police vehicle pursuing the fleeing driver.
Lead vehicle driver	The driver of the lead Police vehicle pursuing the fleeing driver. This will usually be the driver of the Police vehicle that has initiated the pursuit or the driver of a vehicle that has replaced the initial Police pursuit vehicle at the direction of the Pursuit Controller.
National Intelligence Application (NIA)	NIA is a Police database which holds information about individuals who have come into contact with Police and incidents which Police attend.
New Zealand Transport Agency (NZTA)	The NZTA looks after the national transport system.
Non-compliant vehicle stop	An Armed Offender Squad (AOS) or Special Tactics Group (STG) Commander may authorise a non-compliant vehicle stop in situations involving a mobile armed fleeing driver, *"where there is no other timely practical method of containing the fleeing driver or neutralising the threat they present"*. Only AOS or STG officers trained in its use may perform such a vehicle stop during an AOS or STG operation. It involves Police using their vehicles to force a fleeing vehicle to stop.
Perceived Cumulative Assessment (PCA)	The PCA is an officer's subjective assessment, and continuous reassessment, of an incident using the TENR model, based on information known about the situation and the fleeing driver's behaviour. There are five categories in the PCA – cooperative, passive resistance, active resistance, assaultive, grievous bodily harm (GBH) or death.

Police High Performance Framework (PHPF)	A transformation programme consisting of five frameworks – strategy, culture, leadership, capability and performance management – to enable staff to be the best they can be.
Police Professional Driver Programme (PPDP)	The training programme and classification scheme for all Police drivers.
Probationary constable	Probationary constables are temporary sworn members of Police who have graduated from the Royal New Zealand Police College. They must successfully complete further training before being appointed as a permanent constable.
Public Safety Team (PST)	General duties officers are organised into teams to provide policing services within a District.
Pursuit	The active pursuit of the offender.
Pursuit Controller	The Pursuit Controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options to be used. In most cases the Pursuit Controller will be the Shift Commander in the Police Communications Centre. (If a Police Communications Shift Commander is unavailable, a constabulary team leader may take the role of Pursuit Controller. In exceptional circumstances, this may be a Police employee who is not a constable.
Redbox/Comms Audio	An audio recording of the radio communications between Communications Centre (Comms) and Police staff.
Royal New Zealand Police College (RNZPC)	The RNZPC trains and develops every police in officer in the New Zealand Police from their induction as a recruit through their progression into more specialist and senior roles.
Search phase	Post-abandonment, frontline staff could actively search for the fleeing vehicle in the immediate vicinity. This tactical option was removed in 2016 and is therefore not available.
Secondary vehicle	The second Police vehicle in the pursuit that follows the lead vehicle.
Signalling a driver to stop	Police vehicle drives up behind the vehicle/driver concerned and signals the driver to stop using flashing red and blue lights and/or a siren. An officer in uniform may also manually signal a vehicle to stop.
Silver class driver	A Silver Police driver is authorised to engage in urgent duty driving and pursuits under a Gold class driver's supervision.
SOWETO	Police's previous fleeing driver risk assessment model, which was superseded by TENR in 2016. SOWETO stands for **S**peed and manner of driving, **O**ccupant characteristics, **W**eather conditions, **E**nvironment, **T**raffic conditions, **O**fficer and vehicle capabilities.

Special Tactics Group (STG)	National specialist Police unit with operational teams based in Auckland, Wellington and Christchurch.
Tactical Flight Officer (TFO)	A Police officer who is a member of the Air Support Unit and trained to provide air support activities.
Tactical vehicles(s)	Any Police vehicle or officer not actively pursuing the fleeing driver but seeking authorisation from the Pursuit Controller to conduct approved tactical options.
Tāmaki Makaurau	Collective term for Auckland City, Waitematā and Counties Manukau Police Districts.
TENR	The Police threat assessment methodology 'TENR' (**T**hreat, **E**xposure, **N**ecessity, **R**esponse) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate. The overriding principle when applying TENR is that of 'safety is success'.
Transport Operation Centre (TOC)	The New Zealand Transport Agency operates three Transport Operation Centres in Auckland, Wellington and Christchurch. The TOC has access to high definition live camera feeds, which are used to manage traffic flow and respond to incidents on the road network. The live camera feeds can also be shared with Police.
Tactical Options Reporting	A report completed whenever staff use force or tactical options.
Tyre Deflation Device (TDD)	TDDs, commonly known as road spikes, are an approved Police tool used by officers to deflate the tyres of fleeing vehicles. They are essentially an extendable cord with spikes embedded at regular intervals along its length. So as not to cause the spiked vehicle to immediately lose control, the spikes' construction ensures a slow but controlled rate of tyre deflation. This controlled deflation increasingly affects a vehicle's handling characteristics and traction, and should force a fleeing driver to slowly reduce the vehicle's speed. When the tyre(s) are completely deflated, the vehicle can continue with compromised handling. At this point, the tyre will begin to heat and shred, leaving the fleeing vehicle operating only on its rim.
Urgent duty driving (UDD)	Urgent duty driving is when a Police officer on duty is driving above the speed limit or against the natural flow of traffic and may not be complying with certain traffic rules.

Foreword

IPCA
Independent Police Conduct Authority
Mana Whanonga Pirihimana Motuhake

"To chase, or not to chase?" It is a question asked by many; by Police, by the media and by the public generally. The "restrictive" fleeing driver policy used by New Zealand Police sits in the middle of the spectrum of international practice. The policy recognises that wider public safety envisages a need to apprehend offenders, but not at the cost of the physical safety of the public. When deciding whether to pursue, Police are trusted to implement practices that maximise the safety of the public, fleeing drivers and themselves, while attaining the competing public good of enforcement of the law.

There are two sides of the coin: the behaviour of individual police officers (which the policy is designed to influence) and individual fleeing drivers (which current policy cannot directly influence).

This review has been two years in the making. During that time there have been several high profile fleeing driver events, generally involving fatalities, with some involving young people. Fleeing driver events can have significant and sometimes horrific consequences both for those who choose to flee, their families and friends and also for those members of Police who are involved in pursuits and their aftermath. These events are dynamic and often fast moving, requiring immediate decision-making, often in fraught circumstances. Police policy is set to assist officers making these decisions. Sometimes, regrettably, no matter the policy and how good the decision-making is, tragedy can occur with consequences that can never be undone.

The review is the collaborative work of Police and the Independent Police Conduct Authority. For the first time, Police case data and Authority case data has been combined. This sets this review apart from those undertaken in the past. This collaborative approach has enabled a more comprehensive "snapshot" to be taken of fleeing driver events.

Despite the collaborative approach to the collection and analysis of data, the Authority has been careful to maintain its own independent stance in debate as to possible outcomes. The outcomes of the review are the eight high level recommendations which are underpinned by a detailed action-plan with indicative timeframes for implementation. Police accepts both the recommendations and the action-plan. This acceptance also sets this review apart from previous ones. The Authority will independently and regularly monitor the implementation of the recommendations. The results of the monitoring process will be reported in our Annual Reports to Parliament.

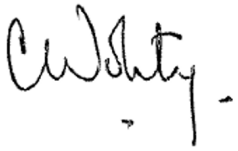
The work in this review draws the Authority to the conclusion that, if appropriately understood and properly applied, the existing fleeing driver policy can provide the necessary balance between public safety and public protection by the apprehension of offenders. The key is the operational application of the policy. Providing frontline officers and those who supervise them with the appropriate knowledge, training, motivation, skills, tools and support ought to fulfil the aims of the policy. Additionally, changing practice by focussing on investigations and making fleeing driver events part of mainstream policing, rather than stand-alone incidents, should lead to identifying more fleeing drivers and holding them to account. The recommendations are designed to ensure these things happen.

It is clear to the Authority that further work needs to be done to better understand how we might influence those who do not stop for Police. The data collected by Police could be more sophisticated. We simply do not know enough about the characteristics, let alone the risk perception and motivations, of those who decide to flee.

The Authority hopes matters highlighted in this review are a catalyst for public research into these important facets, including the impacts and effects of age, drugs, alcohol and mental health issues. Police itself has accepted the recommendation and will commission further work in these areas.

Readers may be tempted to confine themselves to the executive summary. I urge everyone to assess the detail contained in the body of the report. It contains more than statistical and qualitative analysis. There are also case studies couched in the words of the police officers involved, giving New Zealanders an insight into the dynamics of the issues that confront frontline officers and the views they have.

Finally, the review is the culmination of the work of a small dedicated working group comprising representatives from both the Authority and Police. I thank them for their outstanding work and commend this report to the New Zealand public.



Judge Colin Doherty
Chair, Independent Police Conduct Authority

The decision to pursue fleeing drivers is one of the most serious decisions our staff make, and in complex operating environments.

We know the potential consequences of a pursuit are extremely serious. Every single crash, injury and fatality is investigated, and causes me to reflect on whether our policy remains fit for purpose. This is why there have been five major reviews of the Fleeing Driver Policy since its creation. It is also the reason why we partnered with the Independent Police Conduct Authority (the Authority) to undertake the thematic review *Fleeing Drivers in New Zealand: a collaborative review of events, practices, and procedures.*

My job as the Commissioner, and the purpose of the 13,000 employees that work for the New Zealand Police, is to ensure that New Zealanders are safe and that they feel safe. This is why every staff member comes to work every single day.

In keeping New Zealanders safe on our roads, we stop around 2.5 million vehicles every year, of which approximately 0.15 percent choose to flee from Police. Although only a small number, the drivers who choose to flee pose a considerable risk to the safety of other road users, themselves, and their passengers. We know that these are real people – brothers, sisters, husbands, wives, sons, and daughters with friends, families, and loved ones.

We are committed to ensuring our staff – who work to support New Zealand communities – as well as our operations, policies, and procedures are the best they possibly can be.

This review provided us with an invaluable opportunity to partner with the Authority to examine common themes and issues thematically, rather than looking at incidents in isolation. This approach has enhanced our understanding of how fleeing driver events are currently managed; it has allowed us to recognise what is working well and enabled us to identify where and how we can improve.

In summary, the Review has shown that our staff generally manage fleeing events well. This gives us confidence that the principles underpinning our fleeing driver policy remain fit for purpose.

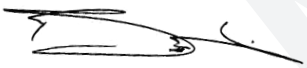
However, there are clear areas we can, and need to, improve. This includes improving how some of our staff apply our risk assessment tool TENR (Threat-Exposure-Necessity-Response), improving communication between our frontline staff and our Communications Centres, and providing enhanced cognitive-based training for managing these complex and high-risk events.

With these things in mind, we've worked closely with the Authority to develop eight recommendations, supported by a substantial Action Plan to address these areas. Given the complexity of the issues, it is important the changes we make are considered and appropriate for the high risk operational environment in which these events take place.

Our vision is to be the safest country and our mission is to have the trust and confidence of all New Zealanders. In order to achieve this, all our staff must continue to act with care and consideration in exercising their law enforcement responsibilities.

I am committed to ensuring that our response to drivers who choose to flee is appropriate to the level of risk they pose, and is as consistent and safe as reasonably possible.

Although the responsibility for fleeing driver events will always lie with the offending driver who refuses to stop, the safe resolution of these events will always be our number one priority.



Mike Bush MNZM
Commissioner of Police

Executive Summary

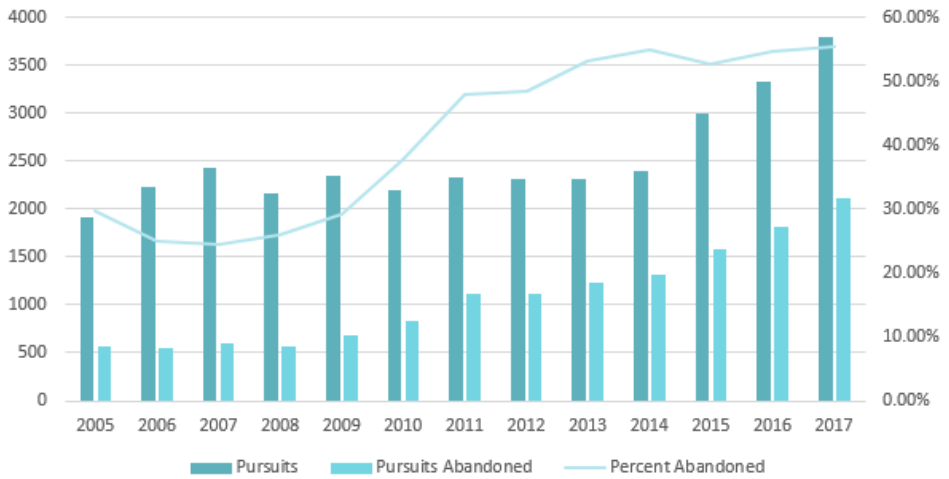
1. The New Zealand Police (Police) routinely signals vehicles to stop, with approximately 2.5 million vehicles stopped at the roadside each year– an average of nearly 7,000 stops each day. While the vast majority of drivers will stop, a small number of drivers choose not to and flee instead. These fleeing drivers may carry out high-risk driving behaviours in an effort to evade Police, which exposes all road users (including the fleeing driver and their passengers) to significant risk.

2. Fleeing drivers present considerable challenges for Police. Pursuits of fleeing drivers are high-risk and fast paced events which can evolve rapidly – much like the wider operational environment in which Police work. Staff are often required to make critical decisions quickly, and sometimes without the benefit of full information.

3. To achieve an effective strategy for managing fleeing driver events, Police needs to balance protecting community safety against the duty to apprehend those who fail to stop and to enforce the law. This balancing exercise can be complex.

4. In 2017, 3,796 drivers fled from Police, which is the highest annual number ever recorded. Although Police abandoned 2,105 of these fleeing driver events (55.5%), 626 still resulted in a crash, 180 of which occurred after the event was abandoned. These crashes resulted in 101 minor injuries, 57 serious injuries and 12 fatalities.

Pursuits abandoned by year, 2005–2017



5. As fleeing driver events pose a risk of injury or death, both Police and the Independent Police Conduct Authority (the Authority) scrutinise them closely. Given their public visibility, fleeing driver events also often receive high levels of media and public attention.

6. It is essential that Police effectively manages the risks that fleeing driver events pose, to ensure public safety is maximised, and fleeing drivers are held accountable.

Background

7. Police operates a restrictive fleeing driver policy. Although this policy does not prescribe an offence threshold for initiating a pursuit[1], it does provide guidelines on all stages of the event, tactical options for, and the roles and responsibilities of those involved in pursuing the fleeing driver.

8. Operating within these guidelines, staff are entrusted to exercise their professional judgment about whether to pursue a fleeing driver and whether to continue or abandon the pursuit. Police staff need to continuously assess the risk throughout these events, to ensure that the response is proportionate to the threat posed by fleeing drivers.

9. The overarching principle of Police's fleeing driver policy is that public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver. Additional principles set out in the policy:

    - Fleeing driver events must be managed in the safest possible manner.
    - An inquiry phase is preferred over a fleeing driver pursuit wherever possible and when circumstances allow.
    - Fleeing driver events will only be commenced and/or continued when the seriousness of the offence and the necessity for immediate apprehension outweigh the risk of pursuing.
    - The fact that a driver fails to stop when signalled does not in itself justify a pursuit.
    - Decisions to abandon fleeing driver events will be supported.
    - Police employees will use risk-based assessments (i.e. TENR) and apply a flexible response to changing circumstances.[2]
    - Fleeing drivers will be held to account.

Police management of fleeing driver events is continuously reviewed

10. Police's mission and vision is for New Zealand to be the safest country in the world and for Police to have the trust and confidence of all. To achieve this, Police regularly examines key areas of practice and management to ensure continual improvement.

11. Since 2000, five reviews of fleeing driver events in New Zealand have been carried out (by the Authority in 2009[3] and Police in 2003,[4] 2007,[5] 2008,[6] and 2010[7]). These reviews have analysed Police's fleeing driver practice and policy, and identified areas for the continual improvement of Police practice and public safety.

1 Throughout the report, there is reference to both pursuits and fleeing driver events. In the context of this report, the pursuit is the part of the event where Police are actively pursuing the fleeing driver. In contrast, the fleeing driver event encompasses all actions and decision-making leading up to, and following, the pursuit.

2 The Police threat assessment methodology 'TENR' (Threat, Exposure, Necessity, Response) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any give situation must be considered, timely, proportionate and appropriate. The overriding principle when applying TENR is that of 'safety is success'.

3 Independent Police Conduct Authority. *Review of Police Pursuits. Wellington: IPCA, 2009.*

4 New Zealand Police. *Pursuits: The Case for Change. Wellington: Office of the Commissioner of Police, 2003.*

5 New Zealand Police. *Review of Pursuits, April 2004-May 2007. Wellington: New Zealand Police, 2007.*

6 New Zealand Police. *Review of Pursuits, April 2004-May 2007. Wellington: New Zealand Police, 2008.*

7 New Zealand Police. *Pursuit policy review. Wellington: New Zealand Police, 2010.*

12. Police currently investigates fleeing driver events individually, determining whether practice, policy, or procedure is followed, whether there is potential misconduct or neglect of duty, and whether disciplinary or criminal proceedings against any individual staff member should be considered or instituted. This approach provides little opportunity to consider fleeing driver events more holistically, in order to understand the nature and extent of common themes and issues in how these events are managed.

13. In late 2016, Police and the Authority recognised that there was an opportunity to build on our understanding of the fleeing driver environment. Police and the Authority subsequently co-developed terms of reference for undertaking a joint review of fleeing driver events (the Review).

14. By examining fleeing driver events through a wider lens, the Review presents an opportunity to better understand fleeing driver events, to identify and address common themes and issues in existing practice, including areas of good practice and those areas where further improvements may be required. The Review did not seek to review the underlying principles of the current fleeing driver policy.

15. The Review examined a sample of fleeing driver events over a specified period, consisting of:

Police sample	**Authority cases**[8]
Random 10% sample of all non-notifiable events between 1 July 2017 and 31 December 2017	All notifiable events received by the Authority between 1 January 2017 and 31 December 2017
191 events	**77 events**

16. Staff involved in each of the selected fleeing driver events, were invited to complete a survey reflecting on the event and their decision-making processes.[9] In total, 962 surveys were sent, with a completion rate of 65% (626).

17. A working group also reviewed each of the selected fleeing driver events as a case file, consisting of information from:

- the event's Fleeing Driver notification form[10]
- Communications and Resource Deployment System (CARD) event chronology
- National Intelligence Application (NIA) records for the event (where the offender was apprehended and charges laid)
- completed staff surveys; and
- audio recording of the radio communications between Communications Centre (Comms) and Police staff (Redbox recording).[11]

8 Notifiable events include those that involve death or serious bodily harm, those that are the subject of a complaint, or where Police consider there is a reputational risk and the Authority should be advised.

9 Respondents who were involved in more than one event selected for the Review completed surveys for each separate event.

10 The Fleeing Driver notification form captures a range of data about a pursuit. This includes offender and offender vehicle details, whether any tyre deflation devices were used, and a narrative of the pursuit.

11 In a few instances, the Redbox recording either could not be located or there was no Comms involvement and so no Redbox.

18. Through the consideration of the individual case files, the working group identified and discussed examples of good practice and issues or points of interest. As the case file reviews progressed, the working group identified common issues, which were subsequently analysed thematically.

19. The Review also analysed available offender and offence data from the Police sample and Authority cases to gain a better understanding of event outcomes and the characteristics of fleeing drivers (and their associated risk). This analysis included offender demographics and criminal history, offences that occurred during the fleeing driver event, and any other associated offences.

Study limitations

20. The Review draws on the selected case study sample to provide a snapshot of fleeing driver events. While the Review provides valuable insight into Police management of the events that were reviewed, it should not be treated as statistically representative.

Fleeing drivers in New Zealand

21. Although the Review did not investigate the motivations of fleeing driver, the Review provides a snapshot of offender demographics, where a fleeing driver was identified.

22. Ninety-one fleeing drivers were identified from the 191 cases in the Police sample, and sixty-eight fleeing drivers were identified from the 77 Authority cases. The Review identified the following characteristics of these offenders:

Police sample (91 offenders identified)	**Authority cases** (68 offenders identified)
95% were male	97% were male
59% identified as Māori, 31% as European, and 8% as Pacific Islanders	65% identified as Māori, 26% as European, and 4% as Pacific Islanders
The median age was 24 years	The median age was 26 years
50% were active or serious and persistent criminal offenders	68% were active or serious and persistent criminal offenders
The median number of previous criminal convictions was 16 (3 for traffic offending)	The median number of previous criminal convictions was 27 (5 for traffic offending)
31% had at least one previous failing to stop offence	40% had at least one previous failing to stop offence
49% had previously been in prison	57% had previously been in prison
65% did not have a current driving licence or were disqualified or suspended from driving	68% did not have a current driving licence or were disqualified or suspended from driving

Review findings

23. The Review identified and analysed four major themes relating to Police's management of fleeing driver events: risk assessment, control and command, event resolution, and training and accountability.

Risk assessment during fleeing driver events

24. The management of fleeing driver events is complex. It involves staff having to sometimes make split-second decisions, while balancing a high cognitive workload and physically controlling the vehicle. Due to the risks that pursuits pose to all road users, ensuring that staff can effectively manage these competing demands is critical.

25. The risk assessment methodology used by Police, TENR, is an organisation-wide decision-making tool for any operational situation. It supports the timely, accurate, and ongoing assessment of information directly relevant to the safety of Police and others. TENR requires staff to consider the **T**hreat, **E**xposure, **N**ecessity, and **R**esponse to any given situation. Staff assess foreseeable and/or identified risks to ensure that they manage these risks as efficiently and safely as possible.

26. The underlying principles of TENR are:

    - Safety is success – public and employee safety is paramount, and every effort must be made to minimise harm and maximise safety
    - The response to any given situation must be considered, timely, proportionate, and appropriate.

27. TENR needs to be applied during four distinct phases of fleeing driver events: pre-initiation, initiation, continuation, and abandonment. This includes conducting a risk assessment before signalling a vehicle to stop, before deciding whether to pursue a fleeing vehicle, and continuously throughout the event.

28. Both the Fleeing Driver policy and TENR decision-making framework emphasise the importance of continuous risk assessments to ensure an appropriate Police response to changing circumstances. This is particularly important given fleeing driver events are dynamic, with changing circumstances requiring ongoing risk assessment. However, the Review has found that while staff often demonstrate good risk assessment during particular phases, it was not always continuous. Staff need to understand that they must actively manage both the threat posed by the fleeing drivers and the risks of intervention throughout the entire event.

Pre-initiation

29. The Review considers that, although the vast majority of drivers signalled to stop by Police will not flee, staff should consider flight to be a possibility whenever practical and plan accordingly before signalling a vehicle to stop. This is particularly important when staff identify that the vehicle has been stolen or when the driver exhibits risky driving behaviour.

30. The Review found that some staff do a TENR assessment before signalling a vehicle to stop and consider their possible response and tactical options in advance. This can include recording and checking the vehicle's licence plate, broadcasting the vehicle/driver details to the Communications Centre (Comms), advising other units about the possibility of the driver fleeing, or putting proactive cordons in place before signalling the vehicle to stop. The Review considers that this is an effective application of TENR and that all staff should, if possible, employ such tactics to help prevent the need for pursuits.

Initiation

31. Applying TENR is also critical at the initiation phase. The Fleeing Driver policy explicitly states that a driver failing to stop when signaled to do so does not in itself justify a pursuit. The primary focus of any pursuit should be on minimising harm and maximising safety, rather than on immediately apprehending a fleeing driver (although sometimes these factors overlap). Staff need to judge whether the initial reason for signalling the vehicle, coupled with its failure to stop, warrants a higher level of intervention (i.e. a pursuit) in light of the potential risks posed by doing so.

32. The Review found that some staff clearly carry out these assessments before pursuing a fleeing driver – particularly in circumstances where the threat posed by the offender's behaviour creates risks for other road users, and Police needs to intervene.

33. However, some staff do not adequately consider the necessity or proportionality of intervention against the risk posed by the fleeing driver. In such cases, the response is justified on the assumed basis that the driver is fleeing for some specific but unknown reason and needs to be apprehended. The more appropriate assessment would be to consider whether the risk of pursuing outweighs the need to apprehend an offender, particularly for a low-level or suspected offence.

34. A further key issue that the Review identified is that staff could do more to adequately consider how Police intervention can escalate the risk – in terms of increasing the risk exposure to all road users, and specifically in terms of adversely influencing the fleeing driver's behaviour. There is a significant opportunity to improve staff appreciation of how their intervention contributes to risk, so that it can be appropriately considered in the risk assessment. This will help ensure that the response remains proportionate to the threat posed by the fleeing driver.

Continuation and abandonment

35. Once initiated, fleeing driver events often evolve quickly, with offender behaviour and environmental conditions subject to unforeseen change. It is therefore essential that staff continuously carry out a TENR risk assessment throughout an event, to ensure that their response continues to be necessary, appropriate and proportionate to the situation. This includes assessing whether the response maximises safety and minimises risk and considering the potential consequences to Police and/or the public if the response is delayed.

36. The Review found that the factors that influence staff decisions about whether to continue pursuing or to abandon the event vary considerably. It is essential that, in carrying out an ongoing risk assessment, staff focus on whether the need to apprehend the offender still outweighs the potential risk that the pursuit poses to the public, Police, and the occupants of the fleeing vehicle – especially if no significant offences have otherwise been established.

37. It is apparent that some staff consider it necessary to continue to pursue until the event is resolved – either through the offender stopping voluntarily/involuntarily or the offender "getting away". This is based on the perceived need to apprehend and hold the offender accountable for their actions. Some staff do not give adequate consideration as to how to reduce the risk the offender poses to the safety of themselves and other road users.

Officer mind-set

38. Although officers are empowered to exercise their own professional judgment in determining how to respond to a fleeing driver, Police's restrictive policy approach provides clear direction about how officers should exercise this discretion. For example, the Fleeing Driver policy clearly states that officers must prioritise staff and public safety over immediately apprehending the fleeing driver.

39. However, the Review found that the way that officers translate this guidance into practice using the TENR framework depends heavily on individual approaches to risk management generally. In an environment where risk is a constant variable, it is inevitable that officers will assess and manage risk according to their own frame of reference – for example, from their own previous experience and the experience of others. This means that some officers may manage risk more proactively, while others may underestimate both the risk and the need to manage it. Therefore, ensuring that staff can adequately identify and consider the risks, both before and during pursuits, is critical for ensuring that responses are well considered and necessary, and remain proportionate to the threat being addressed. All staff need to be aware that not initiating or abandoning an event can be the best response to a fleeing driver depending on the circumstances.

40. The Review found that a good proportion of staff adopt a more risk-averse approach. TENR is effectively utilised to assess the risks, determine whether to pursue, and to abandon pursuits when the risk of continuing outweighs the need for apprehension.

41. In contrast, more risk tolerant staff sometimes take unnecessary risks to apprehend offenders for what appear to be relatively minor offences. In these instances, TENR does not appear to be well applied. The Review acknowledges that there can be a tension between balancing the need to maintain law and order with keeping the public safe. However, it is important that the focus on apprehension does not override considerations around the appropriateness of the response or the potential for other (negative) outcomes.

42. Staff should take an approach to fleeing driver events that prioritises safety and recognises that their response must be necessary and proportionate to the threat that the fleeing driver poses. The Review concludes that a risk-averse approach to fleeing driver events more effectively balances the risk of not pursuing against the risk of continuing. Therefore, a risk-averse approach needs to be embedded into the entire staff mind-set in the management of fleeing driver events. This is needed to ensure staff prioritise safety when responding to a fleeing driver.

Control and command

43. For an efficient and effective Police response to critical incidents, everyone involved in the process needs to clearly understand not only their own role and responsibilities, but also those of others. Control and command defines who has the authority to make decisions and the parameters of that authority.

44. The effectiveness of this control and command process depends largely on all parties working together collectively and constructively. As fleeing driver events evolve quickly, control and command relies heavily on the effective and efficient transfer of the right information at the right time. The Review found that, for a range of reasons, this information is often not forthcoming. Police accepts the need to ensure staff have a good understanding about what information needs to be communicated to Comms, and how to effectively deliver the TENR risk assessment framework.

45. Ensuring an appropriate flow of relevant information is critical for an effective control and command structure. Not having quality information flow significantly hinders relevant parties in appreciating the risks involved in a fleeing driver event. As Comms staff are not physically present at the event, there is significant reliance on frontline staff providing accurate and relevant information, in order for Comms to undertake robust and effective TENR decision-making.

46. Issues with communication flow may also reflect the challenges of frontline staff managing competing multiple mental tasks during events – balancing the provision of commentary, maintaining observations, and driving safely sometimes at high speeds. This cognitive workload is more pronounced when the lead Police vehicle only has a single officer driving, which suggests that where possible, a multi-crewed vehicle should be responsible for providing commentary to help alleviate this workload. This would also help to ensure the best possible flow of information to Comms.

Understanding and acceptance of shared decision-making model

47. Managing a fleeing driver event often involves decision-making carried out by various individuals, ranging from the lead Police driver, Field Supervisors, Dispatchers, and Pursuit Controllers. Each party plays an important role for ensuring that decision-making is robust and that risk is effectively managed.

48. Although the lead driver normally decides whether to start to pursue a fleeing driver, Comms staff have an important role in providing objective oversight and management of the event. This is particularly important given the high adrenaline nature of fleeing driver events, where frontline units are often confronted with multiple and sometimes competing tasks. Overall, safely resolving a fleeing driver event represents a joint exercise between frontline and Comms staff, with each party playing a crucial role in collectively understanding and managing risks throughout the event.

49. The Review found, however, that sometimes staff do not fully comprehend the respective roles and responsibilities, and do not support the devolution of decision-making in the shared decision-making model. This can create tensions in the relationship, particularly in terms of abandonment decisions. While the lead or secondary unit driver or passenger, Field Supervisors, or Pursuit Controllers can all abandon a pursuit, the Review found that some staff believe that abandonment decisions should ultimately rest with frontline staff.

50. Consequently, Comms abandonment decisions can create tensions in the relationship, especially when the rationale behind these decisions is not communicated to the staff involved. In practice, this can result in Comms not having effective control and command of any post-abandonment activities.

Command and control after the event

51. Some staff demonstrate a lack of understanding of the abandonment process – both as lead and supporting units. Although the policy clearly articulates the process that staff need to follow, the Review identified discrepancies in practice. Responses ranged from total procedural compliance (i.e. turning lights and sirens off and stopping at the side of the road when safe to do so), to turning lights and sirens off but still actively searching, to supporting units not complying with the abandonment decision and continuing the pursuit.

52. The Fleeing Driver policy clearly emphasises that, wherever possible, an inquiry phase should be the preferred method for holding offenders accountable, rather than through a pursuit. Whenever a fleeing driver is not apprehended at the time of a fleeing driver event, either because a pursuit is not initiated or is abandoned, all viable lines of inquiry should be taken to identify and hold the driver accountable. This inquiry phase should be dealt with as a priority

prevention activity. The inquiry phase is not about searching for the fleeing driver in the immediate area but is about undertaking an investigation to identify and/or locate the driver.

53. The Review found, however, that staff engagement with the inquiry phase is fairly limited. Although the Review found some examples of good practice and investigations leading to the apprehension of offenders after the event, such practices are not widespread. The Review did find regular engagement in search-related activities, such as units actively looking for a fleeing driver and the vehicle in the immediate vicinity and sometimes undertaking urgent duty driving (i.e. driving over the speed limit) to do this.

54. The continued engagement in a "search phase" is problematic on several fronts. The search phase was removed from the policy in 2016, in recognition of the continued risk posed by such actions after a pursuit has been abandoned. As the Review has indicated, this policy change may not have been effectively communicated to, or understood by, staff throughout the organisation.

55. The continued engagement of some staff in search phases creates the potential for staff to continue to actively search for the offending vehicle without the benefit of lights and sirens, and without the Comms' control and command. This in turn creates opportunities for officers to re-engage with offending vehicles without the appropriate reauthorisation by a Pursuit Controller.

56. A lack of clarity about control and command after an event is further highlighted by the involvement of the Air Support Unit (ASU) after the decision to abandon a pursuit. Following abandonment, when available, the ASU can continue to actively monitor the fleeing vehicle and can coordinate a tactical response – including directing ground staff to particular locations where the offender(s) may have exited the vehicle or directing units to set up Tyre Deflation Devices (TDDs). However, who holds ultimate control and command during this post-abandonment phase – ASU or Comms – requires clarification.

Event resolution

57. Pursuits are resolved in limited ways: either the offending vehicle stops voluntarily or involuntarily, or the pursuit is abandoned. Although the best-case scenario involves the offending vehicle stopping of its own accord, staff can employ a limited number of tactical options to help stop the vehicle involuntarily. Tactical options can include coordinating supporting units to limit potential flight routes or, more importantly, anticipating a potential pursuit and initiating actions that either reduce the likelihood of this happening or minimise the risks to others. In some circumstances, the most effective tactical option is not to pursue but to carry out inquiries to identify a driver who has failed to stop.

58. The effectiveness or otherwise of these tactical options depends on a range of factors, such as the availability of equipment, staff being suitably trained and confident in using the equipment, and the ability to anticipate potential flight routes. Time, place, and circumstances also play a part, including the type of vehicle being pursued. The Review has indicated opportunities to explore technological options for disabling or remotely tracking fleeing vehicles, as well as for improving the overall management of events.

59. Although TDDs are effective at destroying a vehicle's tyres, they do not necessarily bring it to a stop. Frontline staff said that it is common for offenders to continue to drive on shredded tyres or rims for considerable distances, particularly when the car is stolen. While non-compliant vehicle stops can be used to physically stop fleeing vehicles (through controlled collisions) only the Armed Offender's Squad and the Special Tactics Group are currently positively empowered by policy to undertake these. While the Review has indicated an opportunity to consider the potential of non-specialist staff using non-compliant vehicle stops – for example, following the successful deployment of TDDs - Police needs to carefully balance the costs and benefits of any change.

60. The use of the ASU both during pursuits and post-abandonment clearly has value in the overall management of fleeing driver events. The ASU can continue to actively monitor a vehicle post-abandonment, and can coordinate a tactical response – including directing frontline staff to particular locations, or directing frontline staff to set up TDDs. The ASU also has the ability to minimise some of the risk that pursuits present to all road users, by allowing the offending vehicle to be tracked by staff in the Police helicopter. By following the offending vehicle at a distance, frontline units can be coordinated and positioned to intervene in lower-risk circumstances – for example, when the offending vehicle stops and the offender(s) leave the vehicle.

61. Nevertheless, the Review found that the role of the ASU in the control and command structure needs to be clarified, particularly in terms of managing events after a pursuit has been abandoned. This clarity would improve the overall management of events involving the ASU and is likely to identify opportunities to more effectively utilise them.

Training and accountability

62. Engaging in pursuits is a complex activity. As the risk and cost of something going wrong is high, ensuring that staff have the appropriate skills and knowledge to effectively manage these competing demands is critical.

63. Training is one of the key ways of enabling staff to understand and apply risk assessments, learn how to operate a vehicle at high speeds, provide meaningful commentaries and automate some of the mental tasks involved when engaging in pursuits. However, other less-formal methods of learning are equally important, particularly given that formal training will always be limited by time and resources. Debriefs after a fleeing driver event are one important way of imparting these lessons in a timely manner and can be embedded as part of business as usual. The success or otherwise of achieving this depends heavily on supervisors recognising the important opportunity that they present.

Current fleeing driver training

64. Police employees receive a driver classification based on their level of skill and experience, with Gold the highest classification that staff can obtain. While only Gold class drivers can pursue without supervision, a Silver class driver may pursue if under the direct supervision of a Gold class driver. Furthermore, in exceptional circumstances, a Silver class driver can pursue unsupervised.

65. Staff receive driver training initially as a recruit at the Royal New Zealand Police College (RNZPC. Police provides all recruits with eight days of driver training, consisting of classroom-based theoretical driver training, alongside practical and scenario-based sessions. Probationary constables who graduate from RNZPC are normally certified with a Silver classification.

66. In order to progress to a Gold driver certification, probationary constables receive further training and assessment in the six to 12 months following graduation. Alongside general driving ability, attitude, risk management, and decision-making, drivers are assessed on their knowledge of pursuit management, including initiation, providing appropriate information and ongoing commentary to Comms, carrying out risk assessments, and abandonment criteria. The assessment also involves a practical assessment on using TDDs.

67. Frontline officers are then re-assessed every three years and receive further training, if required, as part of the PPDP. They are also required to complete an annual online training module, which includes a fleeing driver and TDD theory refresher module.

Effectiveness of current training

68. Given the irregularity of staff exposure to fleeing driver events, ensuring staff receive effective and ongoing training is critical for supporting good decision-making and enabling risk to be effectively managed when they do pursue. This is particularly important given that some of the least experienced staff can find themselves pursuing offenders in a high-risk, dynamic, and complex environment.

69. The Review found that staff felt current training does not fully prepare them for managing fleeing driver events. There was general concern that the initial training for recruits should be reviewed and improved, the frequency of refresher training could be increased, as could improving the focus on replicating real-life pressure situations. The Review considers that there is an opportunity to explore how the current training could be improved, including investigating the potential use of simulator training. The use of a simulator trainer would provide staff with an opportunity to test their reaction to a high speed pursuit as part of this training. Officers cannot currently be tested on this, as they can only drive at high speeds on public roads in response to a real-life situation.

70. How people will react to stress is an unknown quantity and, consequently, why stress response training is so important. The Review found that, although there are no issues with the general standard of driving, staff do not receive the same amount of training on managing fleeing driver events as they do for other tactical options, such as TASER or firearms. This is despite the fact that pursuits account for the most deaths and serious injuries, and therefore translates into the highest risk activity for staff.

71. Given the issues around staff decision making identified by the Review, there is an important opportunity to consider whether the current driver classification system is fit for purpose, and improve both the quantity and quality of fleeing driver training. In particular, the value of scenario-based training for guiding staff to effectively manage the high-stress environment of pursuits should be explored. Similarly, there would be value in identifying opportunities to expose staff to different work environments to help improve understanding of the respective roles, responsibilities, and workplace pressures.

72. The impact of training on staff attitude also cannot be underestimated. As the Review has highlighted, mind-set is critical for ensuring the effective management of events – from supporting effective decision making to reducing tensions within the control and command structure. Ensuring that training reinforces a risk averse approach is critical for ensuring that staff adopt such a risk averse mind-set and that staff are equipped and enabled to make good decisions utilising TENR assessments.

Fleeing driver accountability processes

73. Fleeing driver events continue to be one of the highest-risk activities that Police engage in. Deaths or serious injuries are significantly more likely to occur during pursuits than many other Police responses (except for firearms). Accordingly, ensuring that there is sufficient oversight of these activities is important.

74. The Review found that Police's accountability processes for fleeing driver events has considerable scope for improvement. Currently, the only obligation on staff after a pursuit is to complete a Fleeing Driver notification form, which records a range of information about the event. The officer's supervisor (who may or may not have been present during the event) and a District reviewer then review this form.

75. In practice, these completed forms provide insufficient information to carry out a robust review process. Consequently, the Review found that this review process was often superficial and provided little organisational accountability for decision-making. More importantly, this lack of accountability reduces any learning opportunities for the organisation.

76. This low level of accountability was also evident after a pursuit is resolved. Unlike Police responses to other types of crimes, staff are not required to create a case file, enter information into the National Intelligence Application, or carry out follow-up inquiries. As such, the event "ends" when the pursuit ends, when, in practice, the pursuit is merely a core component of the overall fleeing driver event. Furthermore, because the rate of abandonment is increasing, ensuring that staff carry out inquiries after a pursuit is important for ensuring that offenders are held accountable to the greatest possible extent. Changing this practice by creating a file and requiring the lead unit to undertake inquiries to identify and hold offenders to account will place more emphasis on inquiry phases, and better align practice with the intent of the fleeing driver policy.

77. The Review considers that strengthening the accountability processes would better enable staff to carry out inquiries after an event. The organisation as a whole would also be better positioned to identify and address issues with managing fleeing driver events.

Improving our understanding of fleeing drivers

78. A key aspect to improving management of fleeing driver events is improving understanding of who flees and for what reasons. The Review has provided an opportunity to help further our understanding of offending drivers by carrying out a snapshot analysis of offenders identified in the Police sample and Authority cases.

79. This has been important for challenging any myths that fleeing drivers are less serious offenders because their offending is often characterised as low level or merely traffic offending. Rather, the Review's analysis indicates that fleeing from Police is often characteristic of a broader pattern of criminal offending, with a large number of these drivers having significant criminal histories.

80. Further research into offender behaviour – in particular, into the reasons why some drivers decide to flee, with a specific focus on young drivers – could help identify any potential preventive opportunities as well as help further our understanding about how to respond to these offenders.

Police is committed to continuous improvement

81. The previous reports published by both Police and the Authority identified ways to improve Police's fleeing driver policies, procedures, and practices. As the number of fleeing driver events in New Zealand increases, there continues to be a need for Police to reflect regularly on how it manages these events to ensure that practices remain fit for purpose.

82. At present, Police abandons more than half of all fleeing driver events, which is more than double the proportion of 10 years ago. Although this indicates a significant and positive shift in practice, there are ongoing opportunities to improve the management of fleeing driver events. One in six events still result in a crash, and people are still being killed and seriously injured during these events.

83. Police's mission is for New Zealand to be the world's safest county. This includes ensuring that the public are safe while using New Zealand's roads. When a driver decides to flee from Police rather than stop when lawfully required, they place themselves, their passengers, other road users, and Police staff at risk. In responding to this risk, it is essential that Police staff are thoroughly prepared and supported to safely resolve the incident, carefully balancing maintenance of the law with maintaining public safety.

Next steps

84. The Review makes eight high level recommendations to address the significant issues identified by the Review. These recommendations are underpinned by a detailed action plan, which sets out the specific work that will be undertaken to implement those recommendations. The Authority will monitor the progress of implementation as part of the Authority's general role overseeing recommendations made to Police. Police will provide updates on implementation to the Authority every three months.

Recommendations

Based on its findings, the Review has made eight high level recommendations to improve Police's management of fleeing driver events. More detail can be found in the Action Plan.

Recommendation	High level action
1. Police will review the Police Professional Driver Programme (PPDP), including current driver classification systems, to identify opportunities for improving staff understanding and application of TENR during fleeing driver events	Review PPDP to ensure it is fit for purpose for enabling staff to effectively manage fleeing driver events.
2. Police will improve the skills, knowledge, and experience of all staff involved in fleeing driver events, through different learning channels, to enable robust decision-making and support the effective management of events.	Enhance the quality and quantity of training to improve staff management of fleeing driver events.
3. Police will review the Fleeing Driver policy against the findings of the Review and make any necessary adjustments to the policy and standard operating procedures to ensure that they remain fit for purpose and support the effective management of fleeing driver events.	Ensure the policy is fit for purpose in light of the Review's findings.
4. Police will investigate allowing units to carry out a non-compliant vehicle stop on offending vehicles that have been successfully spiked and are travelling at low speeds, to mitigate risks and improve the safe resolution of fleeing driver events.	Investigate introduction of limited non-compliant vehicle stops.
5. Police will strengthen the accountability mechanisms of fleeing driver events, including improvements to post-event follow-up, and district review and national oversight processes.	Strengthen oversight of fleeing driver events. Improve post-event accountability processes.
6. Police will review the Air Support Unit's (Eagle) involvement in the management of fleeing driver events and clarify the role that they play if necessary	Review role of Air Support Unit during fleeing driver events.
7. Police will explore ways of improving Communication Centre's access to real-time information, including through the potential adoption of new technology, in partnership with our sector partners.	Identify and explore opportunities to use technology to enhance the management of fleeing driver events.
8. Police will commission further research and analysis of fleeing drivers to improve our understanding of drivers' motivations for fleeing, including a focus on young people and alcohol/drug impaired drivers.	Improve understanding of fleeing driver offenders.

POLICE ACTION PLAN 2019

Recommendation	High level action	Scope	Lead Workgroup	Supporting work groups	Indicative timeframe
1. Police will review the Police Professional Driver Programme (PPDP), including current driver classification systems, to identify opportunities for improving staff understanding and application of TENR during fleeing driver events	**Review PPDP to ensure it is fit for purpose for enabling staff to effectively manage fleeing driver events.**	1.1. Review TENR and fleeing driver components of recruit driver training, specifically whether it adequately addresses decision-making under pressure, communication requirements and protocols, reporting requirements 1.2. Review TENR component of PPDP reassessment programme 1.3. Review PPDP silver/gold driver classification and whether it is fit-for-purpose for enabling staff to safely and effectively pursue fleeing drivers	RNZPC	• Response and Operations • National Road Policing Centre • Districts	October 2020
2. Police will improve the skills, knowledge and experience of all staff involved in fleeing driver events, through different learning channels, to enable robust decision-making and support the effective management of events.	**Enhance the quality and quantity of training to improve staff management of fleeing driver events**	2.1. Provide more extensive fleeing driver event training with a specific focus on: risk assessment and decision-making, pursuit commentary and radio discipline, TDD use, and inquiry phase. 2.2. Explore the relative delivery effectiveness and efficiency of different learning channels – for example, refresher training, line-ups, debriefs, review of footage from Air Support Unit. Increase the use of scenario-based training. 2.3. Develop TENR training scenarios, including Comms Centre scenario and roles for frontline staff. 2.4. Investigate the feasibility of introducing simulator training. 2.5. Investigate opportunities for Comms and frontline staff to get on-the-job experience of the other's role 2.6. Enhance Comms training and frequency for dispatchers and pursuit controllers to improve understanding of frontline roles, responsibilities and decision-making during events. 2.7. Strengthen TDD training, and identify opportunities for ensuring staff are confident and competent in using the devices. 2.8. Develop best practice for use of TDDs, drawing on international practice and experience	RNZPC	• Comms • Air Support Unit • Response and Operations • National Road Policing Centre • Districts	October 2020
3. Police will review the policy against the findings of the Review and make any necessary adjustments to the fleeing driver policy and standard operating procedures to ensure that they remain fit-for-purpose, and support the effective management of fleeing driver events.	**Ensure the policy is fit-for-purpose in light of the Review findings**	3.1. Create a new pursuit warning given by the dispatcher at the commencement of a fleeing driver event, based on the TENR risk assessment framework, with specific standardised questions which address threat and the necessity to pursue. 3.2. Assess the proposal to empower dispatchers to direct abandonment of a fleeing driver event up until the point at which the Pursuit Controller takes command of the event. 3.3. Specify that a one-person unit should be replaced by a two-person unit as soon as practical to facilitate sharing of the mental task (driving and communication) 3.4. Confirm that District Command Centres have no command over fleeing driver events. 3.5. Require the person abandoning a fleeing driver event to broadcast to all units their reason for abandonment.	Response and Operations	• Comms • Response and Operations • National Road Policing Centre • Districts	July 2019

4. Police will investigate allowing units to undertake a non-compliant vehicle stop on offending vehicles that have been successfully spiked and are travelling at low speeds, to mitigate risks and improve the safe resolution of fleeing driver events.	**Investigate introduction of limited non-compliant vehicle stops**	4.1. Undertake a review of international current practice for non-compliant vehicle stops for fleeing vehicles with deflated tyre(s) 4.2. Assess the feasibility of introducing this option, including the costs, benefits, risks and training implications	Policy and Partnerships	• Response and Operations • National Road Policing Centre • Police Professional Conduct • RNZPC • Districts • Fleet	October 2019
5. Police will strengthen the accountability mechanisms of fleeing driver events, including improvements to post-event follow up, district review, and national oversight processes.	**Strengthen oversight of fleeing driver events.** **Improve post-event accountability processes**	5.1. Create a new CARD/NIA event code for a fleeing driver event 5.2. Introduce a requirement for officers to result the event as reported (K6) or arrest (K9), record the event in NIA and complete follow-up inquiries if appropriate 5.3. Review the current fleeing driver notification form to ensure it remains fit-for-purpose. Enable the recording of additional event characteristics in the event notification, such as passenger details, the number of TDDs deployed (and their effectiveness), and the NIA file number. 5.4. Assess the benefits of transferring the fleeing driver policy to Response and Operations group, to ensure alignment and consistency with the tactical options accountability framework. 5.5. Assess the benefits of incorporating the fleeing driver notification form into the tactical options reporting database 5.6. Assess the feasibility of introducing the ability for District Reviewers to review the Comms audio recording as part of their review process. 5.7. Establish a mechanism for national oversight of fleeing driver events.	Response and Operations	• National Road Policing Centre • IT • NIA reference group	October 2020
6. Police will review the Air Support Unit's (Eagle) involvement in the management of fleeing driver events, and clarify the role that they play if necessary	**Review role of Air Support Unit during fleeing driver events**	6.1. Review the current role of Air Support Unit in the command and control structure 6.2. Identify opportunities where the role of the Air Support Unit could be formally extended – for example, empowering authorised follows.	Policy and Partnerships	• Air Support Unit • Districts • Response and Operations • National Road Policing Centre	July 2019
7. Police will explore ways of improving Communication Centre's access to real-time information, including through the potential adoption of new technology, and in partnership with our sector partners.	**Identify and explore opportunities to use technology to enhance the management of fleeing driver events.**	7.1. Identify opportunities to livestream external CCTV footage into Comms Centres 7.2. Explore the option of upgrading the down-link technology on the Air Support Unit to reduce current delays in video signals to Comms Centre. 7.3. Investigate the use of location technology for National Communications incident resource deployment and management during events. 7.4. Investigate the availability of additional technology that could help strengthen the management of fleeing driver events (e.g. dash cameras)	Road Policing Partnership	• Comms • Other work groups to be identified	October 2019
8. Police will commission further research and analysis of fleeing drivers to improve our understanding of drivers' motivations for fleeing, including a focus on young people and alcohol/drug impaired drivers.	**Improve understanding of fleeing driver offenders.**	8.1. Commission research provider to undertake research/behavioural insights work, looking at the behaviours/motivations of specific cohorts of fleeing drivers – including young people, and those with drug, alcohol and/or mental health issues; 8.2. Improve the use of post-event interviews with fleeing drivers	Evidence-Based Policing Centre Districts	• Other work groups to be identified	October 2020

1

Introduction

1. Introduction

The New Zealand Police (Police) routinely signals vehicles to stop for several reasons, including driver licence checks, random breath testing, identified disqualified drivers, suspected criminal offending, or driving in a high-risk manner. A driver is required to stop when signalled to do so by a police officer acting in accordance with the Land Transport Act 1998[12] or the Search and Surveillance Act 2012.[13]

Most drivers stop when Police signal them to. However, in a small number of cases, some drivers elect not to comply with this requirement. Drivers who fail to stop, or fail to remain stopped, for Police are referred to as fleeing drivers.[14] Fleeing driver events usually develop quickly and can be volatile, unpredictable, and high risk. The initial purpose for Police signalling a driver to stop, such as a routine licence check, is often not the primary reason the driver decides to flee.

In an attempt to evade Police, fleeing drivers often carry out high-risk driving behaviours, exposing all road users (including themselves and their passengers) to significant risk in the process. To effectively manage these risks, and to maximise the safety of the public, Police employees, and the occupants of the fleeing vehicle, Police staff carry out continuous risk assessments during fleeing driver events in line with Police's risk assessment tool, TENR.[15]

The complexity of fleeing driver events presents significant challenges for Police. The key functions of Police, among others, are keeping the peace, maintaining public safety, law enforcement, and crime prevention. Effective policing also relies on public support and confidence.[16] To achieve a pragmatic fleeing driver management strategy, Police must balance protecting community safety with the duty to apprehend fleeing drivers and to enforce the law. Achieving this balance can be challenging, which is a situation that is by no means unique to New Zealand.

As fleeing driver events risk injury or death, Police and the Independent Police Conduct Authority (the Authority) scrutinise them closely. The Authority handles, investigates, and resolves complaints about the Police, and is notified of all fleeing driver events involving serious injury or death.[17]

The Authority has a mandate to consider, where appropriate, Police practice, policy, and procedure. The independent oversight of the Authority provides assurance for the public and Police that allegations of misconduct or neglect of duty are properly dealt with and that policy is being adhered to.

Fleeing driver events often receive high levels of media and public attention. The reasons for a driver choosing not to stop when required and fleeing from Police are complex and varied.[18] Without any single solution, it is essential that Police's fleeing driver policy, practice, and procedure (including training) is of the highest standard to maximise public safety and the effective enforcement of the law.

12 Land Transport Act 1998, s114.

13 Search and Surveillance Act, s9.

14 As defined in Police's Fleeing Driver policy. Police's current Fleeing Driver policy is based on the premise that drivers who fail to stop for Police and then flee to avoid apprehension pose risks to the public, Police employees, and themselves. Such events are called "fleeing driver events" to reflect this. This report uses "fleeing driver events" and "pursuits" interchangeably to reflect the policy and literature being referenced.

15 Police's operational risk methodology: Threat – Exposure – Necessity – Response. Further discussion of TENR can be found in chapter 3.

16 Policing Act 2008 (NZ), ss 8 and 9.

17 Independent Police Conduct Authority Act 1988 (NZ), ss 13 and 15.

18 Offender motivations are outside of the scope of the Review.

1.1. *Review background*

The existing practice of Police and the Authority is to investigate fleeing driver events individually, determining whether practice, policy, or procedure is followed, establishing whether there is potential misconduct or neglect, and whether disciplinary or criminal proceedings should be considered or instituted.

These investigations focus on fleeing driver events as one-off events, providing no opportunity to understand the nature and extent of common themes and issues in how staff manage these events. Issues are often treated on an individual (officer) basis rather than as a more general training issue for all staff.

This approach limits the opportunity to take a more holistic look at fleeing driver events, to better understand officer decision-making processes, and to provide an effective learning environment. This is important for ensuring staff can objectively learn from the experiences of other staff members.

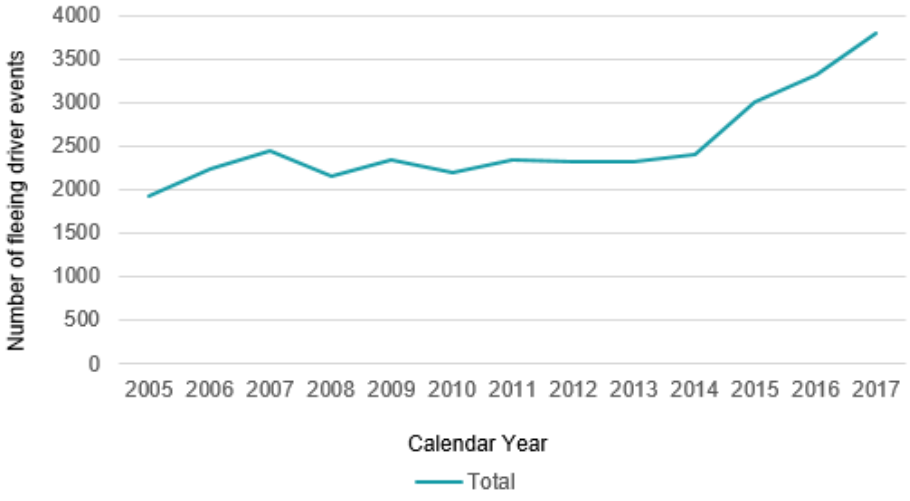
In late 2016, the Authority began discussions with Police to carry out a joint thematic review of fleeing driver events (the Review). Police and the Authority jointly developed the Review's terms of reference.

The purpose of the Review is to provide the whole of Police, and other key stakeholders, with a better understanding of fleeing driver events, to identify areas of good practice (as well as any issues with current conduct), and, where applicable, to identify potential enhancements to policies, processes, and procedures. This will provide opportunities to continuously improve practice and support the development of a learning environment for staff.

1.2. *Fleeing drivers in New Zealand*

After several years of relative stability, the total number of fleeing driver events in New Zealand has been steadily increasing. Between 2011 and 2017, the number of fleeing driver events each year increased by 63% from 2328 to 3796. In comparison, during this period, New Zealand's driving population increased by 11.2%;[19] the number of registered cars, motorcycles, and mopeds increased by 18.3%;[20] and the number of total road vehicle kilometres travelled increased by 13.4%.[21]

Figure 1: Annual total of recorded fleeing driver events, 2005–2017



19 Statistics New Zealand, "Population Estimates, Mean year ended for ages 16-85", http://archive.stats.govt.nz/infoshare/, accessed 31 August 2018. Driving population at end of 2011: 3,355,380. Driving population at end of 2017: 3,731,410.

20 New Zealand Transport Association, "National Vehicle Fleet status", https://www.nzta.govt.nz/resources/new-zealand-motor-vehicle-register-statistics/national-vehicle-fleet-status/, accessed 31 August 2018.

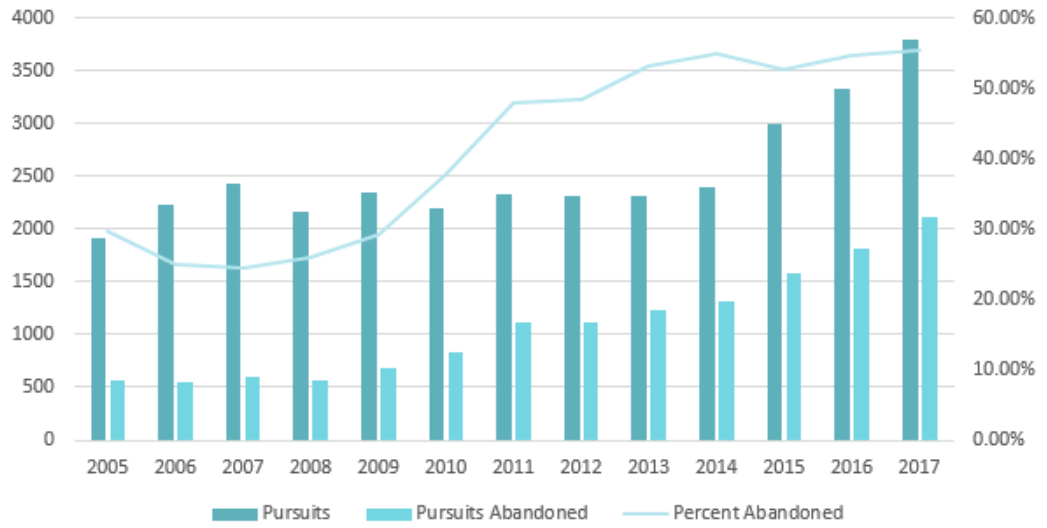
21 Ministry of Transport, "Road Vehicle Kilometres Travelled", https://www.transport.govt.nz/mot-resources/transport-dashboard/2-road-transport/rd006-vehicle-kilometres-travelled-on-state-highways-and-local-roads-billion-km/, accessed 3 August 2018.

The Review could not clearly attribute the growth of fleeing driver events to a single factor (such as a change in policy). However, it considers that several underlying causes are likely influences. These include:

- improved reporting and accountability practices, greater media exposure, and increased offender awareness of Police policy about fleeing driver events
- changing fleeing driver characteristics (including younger unlicensed offenders fleeing Police)
- the wider use of social media to broadcast these events live (which gives exposure to fleeing driver events)
- increasing use of Automatic Number Plate Recognition (ANPR), which can better identify vehicles of interest
- an increasing prevalence of drugs and firearms among serious criminal offenders (resulting in an unwillingness to have their vehicle searched).

Although the number of fleeing driver events has risen, the proportion of events that Police abandon has increased at a higher rate, from 29.6% in 2005 to 55.5% in 2017. One of the overarching principles in the Police Fleeing Driver policy is that fleeing driver events must be managed in the safest way possible. Given the high risk such events entail, the decision to abandon is often the most appropriate course of action and reflects the effective application of Police policy and operational risk assessment.

Figure 2: Pursuits abandoned by year, 2005–2017



1.3. *Current approach*

1.3.1. Police's current fleeing driver policy

The overarching principle of Police's Fleeing Driver policy is that public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver. Additional principles set out in policy are:

- Fleeing driver events must be managed in the safest possible manner.
- An inquiry phase[22] is preferred over a fleeing driver pursuit wherever possible and when circumstances allow.
- Fleeing driver events will only be commenced and/or continued when the seriousness of the offence and the necessity for immediate apprehension outweigh the risk of pursuing.
- The fact that a driver fails to stop when signalled does not in itself justify a pursuit.
- Decisions to abandon fleeing driver events will be supported.
- Police employees will use risk-based assessments (i.e. TENR) and apply a flexible response to changing circumstances.
- Fleeing drivers will be held to account.

The Fleeing Driver policy does not prescribe an offence threshold for initiating a pursuit. Police staff are required to carry out a continuous risk assessment and are entrusted to exercise their professional judgment about whether to pursue a fleeing driver and whether to continue or abandon that pursuit. Policy and training support Police staff to help ensure that any decision to pursue is justified and proportionate to the reason for signaling the driver to stop and effectively manages risk.

1.3.2. Fleeing driver review process

Currently, all fleeing driver events are recorded on an online notification form and reviewed by a supervisor and nominated District reviewer. However, unlike Police's response to other events, officers are not required to create a case file, enter information into the National Intelligence Application (NIA), or carry out follow-up inquiries.

Police Professional Conduct carries out internal investigations where required. The Commissioner of Police must notify the Authority as soon as practicable, but in any case within five days, of every complaint or notifiable incident, usually where a pursuit has resulted in death or serious injury.[23] The Authority then determines how it will deal with the complaint or incident.

22 Inquiry phase is discussed in section 5.4.1, Effectiveness of inquiry phase.

23 Independent Police Conduct Authority Act 1988 (NZ), ss 13 and 15, and Memorandum of Understanding between Police and the Authority.

1.4. *Previous research of Police fleeing driver events in New Zealand*

The mission and vision of Police is for New Zealand to be the safest country in the world and for Police to have the trust and confidence of all. To achieve this, Police regularly reviews the Fleeing Driver policy and practice to identify any issues, areas for improvement, and best practice.[24]

Since 2000, Police and the Authority have carried out five reviews of fleeing driver events in New Zealand. These reviews, from the Authority in 2009[25] and Police in 2003,[26] 2007,[27] 2008,[28] and 2010,[29] analysed Police's fleeing driver practice and policy. They identified areas needing attention and amendment to continually improve Police business and public safety in response to changes in offender demographics and behaviour, and the development of technology.

In 2003, Police reviewed policy and practice in response to public concern after two fleeing driver events that resulted in three fatalities. Training was emphasised as pivotal to effective fleeing driver practice,[30] as well as good communication between pursuing units and Comms,[31] and technological developments.[32]

The report outlined that, although effective fleeing driver policy and practice relies on the intrinsic balance between Police's need to apprehend offenders and the safety of its officers and the public, a lack of clear policy and instruction undermined this.[33] The report recommended that the then-current policy be amended to ensure a greater understanding of Police's responsibilities during fleeing driver events.[34] [35]

As a result, a new policy was introduced in 2004. This stated the circumstances when a pursuit could be initiated, the responsibilities of Police during a pursuit, procedures for initiating, conducting, and abandoning a pursuit, and communications procedures. The policy also provided an overriding principle for the conduct and management of pursuits: Public and staff safety takes precedence over the immediate apprehension of the offender. This overriding principle continues to underpin the current policy.

In 2007 and 2008, Police carried out a two-part quantitative analysis of fleeing driver events during a three-year period and identified a specific profile of fleeing driver events.[36] The data showed an 86.5% increase in events from April 2004 to May 2007. However, it concluded that this rise, much like other variables, was likely to have been influenced by a stricter standard of reporting.[37] The review emphasised, and included as opportunities for further development, the inconsistent reporting of fleeing driver events and the appropriateness of the risk assessment carried out by officers before stopping a vehicle (i.e. the reason for stopping).[38]

In response to public concern at the perceived increase of fleeing driver events ending in serious injury or death, the Authority began a separate review of fleeing driver events in New Zealand in 2007.[39] Although that review determined that Police's Fleeing Driver policy was consistent with mainstream international policies (which had typically become more restrictive in nature during the previous decade),[40] the Authority

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24 Police Manual: The Police Manual contains all good practice guidelines and instructions for the New Zealand Police and includes General Instructions and Commissioner's Circulars.

25 Independent Police Conduct Authority, *Review of Police Pursuits, Wellington: IPCA, 2009.*

26 New Zealand Police, *Pursuits: The Case for Change, Wellington: Office of the Commissioner of Police, 2003.*

27 New Zealand Police, *Review of Pursuits, April 2004-May 2007, Wellington: New Zealand Police, 2007.*

28 New Zealand Police, *Review of Pursuits, April 2004-May 2007, Wellington: New Zealand Police, 2008.*

29 New Zealand Police, *Pursuit policy review, Wellington: New Zealand Police, 2010.*

30 Ibid., 14, 57.

31 Ibid., 31-32, 36, 38, 55, 59.

32 Ibid., 72.

33 Ibid., 53-54, 71.

34 Ibid., 15, 64, 71.

35 As per one of the recommendations of the 2003 review, Police also introduced the Police Professional Driver Programme (PPDP) in 2004 to ensure Police and public safety while driving and develop a professional driving culture.

36 New Zealand Police, *Review of Pursuits, April 2004-May 2007, 2007; New Zealand Police, Review of Pursuits, April 2004-May 2007, 2008.*

37 Ibid., 5-7.

38 Ibid., 42.

39 Independent Police Conduct Authority, *Review of Police Pursuits, 2009.*

40 Ibid., 41.

determined that more work was needed to ensure that the then-current policy balanced the need to apprehend offenders with the severity of the crime and public safety.[41]

The Authority's review, published in 2009, made several recommendations about Police's Fleeing Driver policy. These included placing more emphasis on the justification for initiating a pursuit,[42] amending risk assessments to include additional factors, and improvements to current reporting.[43]

Police last reviewed fleeing driver events in 2010. This compared Police's policy with its international counterparts and discussed approaches to pursuit policy in three categories: judgmental, restrictive, and discouragement.[44] In line with the Authority's review, Police concluded that New Zealand's pursuit policy should remain restrictive and provide a clear framework for staff. This review also considered the findings and recommendations of the Authority's review.

Some of the most significant recommendations made by Police, which were ultimately adopted, included introducing lead and secondary units, limiting the number of Police vehicles in a pursuit, and replacing the SOWETO[45] risk assessment framework with the newly developed national risk assessment tool (which would later be called the TENR risk assessment tool).

Since the 2010 review, Police has updated the Fleeing Driver policy 12 times, although most of these changes have been relatively minor (such as approving the use of tyre deflation devices (TDDs) for vehicles exceeding 100km/h and self-authorising deployment).

In 2016, Police implemented a significant policy change. It moved to a principles-based fleeing driver policy and replaced the SOWETO risk assessment tool with TENR (Threat-Exposure-Necessity-Response). This aligned risk assessment during fleeing driver events with practices throughout the rest of the organisation.[46]

These past reviews placed significant emphasis on Police's fleeing driver practice relative to international approaches. Some prominent similarities include the importance of risk assessment as a factor in decision-making during (and, significantly, before initiating) a fleeing driver event. The intrinsic tension between apprehending offenders and ensuring public and officer safety is pivotal in informing fleeing driver practice and continues to be an ongoing balancing exercise.

1.4.1. International policy and practice

International literature categorises police pursuit policies into three types:

- **Judgmental** – this allows the primary unit to make all major decisions about initiating, tactics during, and abandoning a pursuit. These policies rely heavily on the officer's discretion.
- **Restrictive** – these policies place certain restrictions on the primary unit's judgment and decision-making ability, emphasising the need for, and value of, risk assessments.
- **Discouragement** – these policies severely caution against or discourage any pursuit, except in extreme circumstances, or for certain types of offences.[47]

Seeking a balance between the need to apprehend an offender and the safety of the public is a challenge that is not unique to New Zealand. The level of officer discretion and professional judgment varies considerably between the three types of policy. To differing extents, various jurisdictions' fleeing driver policies and practice emphasise considering the viability of alternative options, which may remove the need to pursue.

41 Ibid., 51-52.

42 Ibid., 49-50.

43 Ibid., 55.

44 New Zealand Police, *Pursuit policy review, 8.*

45 SOWETO stands for **S**peed and manner of driving, **O**ccupant characteristics, **W**eather conditions, **E**nvironment, **T**raffic conditions, **O**fficer and vehicle capabilities. Like TENR, SOWETO was to be carried out throughout the event.

46 These issues are discussed in Chapter 3, Risk assessment during fleeing driver events, and in section 4.2.1, Control and command processes after a pursuit is abandoned.

47 New Zealand Police, *Pursuit policy review,* 8.

Judgmental-type policies empower officers to use discretion

Some jurisdictions operate judgmental pursuit policies that empower officers to consider the outcomes of a possible vehicle stop and exercise their professional judgment without any objective oversight. Given the trend towards more restrictive pursuit policies, judgmental policies are less common.

The risks associated with judgmental-type policies are largely a result of variability in mind-sets and what individual officers deem to be a proportionate response. There is also a risk that officers can become so focused on resolving the event that they are no longer able to exercise objective professional judgment.

Discouragement policies often prescribe offence thresholds

Many law enforcement agencies now restrict pursuits to suspects of violent and serious crime,[48] with some jurisdictions' policies prescribing offences eligible for pursuit accompanied by strict operational restrictions on pursuit practice. Prescribing offence thresholds significantly reduces the number of pursuits, which also obviously significantly reduces the number of serious injuries or fatalities associated with pursuits.[49]

Queensland Police Service (QPS) made significant changes to its pursuit policy in 2006, primarily in response to an increase in serious injuries and fatalities associated with pursuits and the resulting media attention and public concern. Although QPS has revised its policy since 2006, the 2006 revision prescribed pursuable and non-pursuable matters in order to increase the offence threshold for initiating a pursuit. It also encouraged alternative options for apprehension.[50]

The QPS's policy establishes that pursuable matters are those where there is an imminent threat to life. These include acts of homicides or attempts to murder, threats to kill and the apparent capacity to do so, and chargeable offences before police interception. Licence or vehicle checks, routine traffic interceptions, random breath tests, and, significantly, all indictable offences based on suspicion only are non-pursuable.

There is debate about how effective a discouragement or zero tolerance pursuit policy is. It has been argued that prohibiting fleeing driver events introduces a level of lawlessness, with offenders attempting to evade police without the threat of pursuit.[51]

Despite the suggestion that the inability to pursue may encourage some drivers to actively evade police, there is little research or evidence to determine whether this is the case. Some studies from the United States indicate that a quarter of individuals would be tempted to flee police if they knew that the officer could not pursue, but "US jurisdictions that have adopted more restrictive pursuit policies have not experienced an increase in crime rates or rates of failure to stop."[52]

New Zealand Police operates a restrictive policy

Police's current Fleeing Driver policy sits within the mainstream of international pursuit policies, providing guidelines on all stages of the event, tactical options, and the roles and responsibilities of those involved in pursuing a fleeing driver.

Although an officer makes the initial decision to pursue, this is based on specific policy settings and a Pursuit Controller,[53] based in a Communications Centre (Comms), has overall command of an event and is responsible for providing holistic and objective oversight to effectively manage the event and associated risks. This relies on the professional judgment and knowledge of everyone involved to assess the situation and to ensure that it meets the objectives, policies, procedures, and protocols of Police to achieve the most desirable outcome possible.

It was never intended that the Review would reassess the principles underpinning the Police fleeing driver policy. These principles remain fit-for-purpose, and continue to provide clear guidance to staff about how to effectively manage fleeing driver events.

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48 Falk, Kay. "To chase or not to chase?', *Law Enforcement Technology 33, 10 (2006): 36-37.*

49 New Zealand Police, *Pursuit policy review, 2010, 8.*

50 Queensland Police Service, "Chapter 15 – Driving of Service Vehicles",https://www.police.qld.gov.au/corporatedocs/OperationalPolicies/Documents/OPM/Chapter15.pdf, accessed 10 January 2018.

51 Cameron, A, 2007, *Independent review of the AFP urgent duty driving and police pursuit guideline review, Canberra, cited in New Zealand Police, Pursuit policy review, 2010, 7.*

52 Independent Police Conduct Authority, *Review of Police Pursuits, 32.*

53 Pursuit Controller: The Shift Commander at Police Communications who manages the fleeing driver event. If a Police Communications Shift Commander is unavailable, a constabulary team leader (usually a sergeant) may take the role of Pursuit Controller. In exceptional circumstances, this may be a Police employee who is not a constable.

2

Methodology

2. Methodology

2.1. *Review objectives*

The Review sought to gain an understanding of Police's management of fleeing driver events and to identify the ways in which the individual and collective decision-making by pursuing officers, Comms dispatchers, and Pursuit Controllers influence how these events are managed.

The Review considered the management of information and other processes used to assess fleeing driver events. It also considered whether these practices and information reports are appropriate mechanisms for managing fleeing driver events. Unlike previous reviews, which have focused predominantly on policy changes and analysing quantitative data, the Review draws specifically on qualitative data to build on our understanding of the issues.

2.2. *Scope*

The Review considered:

- internal and external variables for specific fleeing driver events that may influence the TENR decision (e.g. reason for signalling a vehicle to stop, traffic flow, weather conditions)
- understanding the internal and external variables of the broader operating environment (e.g. staff training, availability and effectiveness of tactical options, control and command structure)
- identifying systemic issues and recurring problems, and identifying potential options for addressing those issues and problems
- identifying good practice and key lessons to share with staff
- guidance provided by the current policy
- current operational practice in other jurisdictions.

The Review did not:

- review the overall policy framework
- involve direct contact with fleeing drivers or any detailed analysis of the specific reasons that drivers fail to stop when signalled to do so by Police.

2.3. *Approach*

The Review examined a sample of fleeing driver events for a specified period, consisting of:

- all notifiable cases received by the Authority between 1 January 2017 and 31 December 2017 (Authority cases)
- a random sample of all other events between 1 July 2017 and 31 December 2017 (Police sample).

The datasets derived from these samples provided two distinct views of fleeing driver events. Of the thousands of fleeing driver events that occur in New Zealand every year, only a small number are notified to, or investigated by, the Authority.

In general, those notified are events that have resulted in a serious injury or death, or are matters that are of public interest or reputational significance for Police.[54] Therefore, this self-selecting dataset provides important insight into the characteristics and factors that feature in such events. The Police sample, on the other hand, examines a sample of events, outcomes, and behaviours from the remaining majority of fleeing driver events.

2.4. *Methods*

2.4.1. Police sample selection

Police randomly selected 10% of all fleeing driver events in the Fleeing Driver database each week between 1 July 2017 and 31 December 2017.[55] Any selected event already notified to the Authority was replaced using the same selection method.

For this period, 191 fleeing driver events were randomly selected, with events distributed fairly evenly throughout the districts relative to the number of overall events.

Figure 3: Distribution of Police samples selected for the Review by pursuit start district

Pursuit start district	Events selected for Thematic Review	% of Thematic Review
Northland	7	4%
Waitematā	25	13%
Auckland City	16	8%
Counties Manukau	22	12%
Waikato	20	10%
Bay of Plenty	18	9%
Eastern	13	7%
Central	21	11%
Wellington	23	12%
Tasman	2	1%
Canterbury	17	9%
Southern	7	4%
Grand Total	**191**	**100%**

54 Independent Police Conduct Authority Act 1988, s 12 and Memorandum of Understanding between Independent Police Conduct Authority and New Zealand Police.

55 Every Monday during the study's time period, all fleeing driver events in the Fleeing Driver database for the preceding seven days were imported into Microsoft Excel and assigned a number randomly generated by Excel's =RAND() function. A coin was then flipped; if heads, cases were sorted from largest to smallest based on the random number assigned to them and, if tails, sorted from smallest to largest. Starting from the top row down, 10% of the total number of cases for the time period (rounded down if a decimal <.5 and up if >=.5) were selected for the study.

2.4.2. Authority cases

Individuals can complain about Police actions during a pursuit. In addition Police notify the Authority of all fleeing driver events where somebody dies or is seriously injured. Police also notify the Authority of events where they consider there may be a reputational risk to Police.

All cases received by the Authority between 1 January 2017 and 31 December 2017 were included in the Review. There were 77 such events.

2.4.3. Engagement with staff

To understand fleeing driver events, the Review asked staff involved in each of the selected fleeing driver events to complete a survey on the event and their decision-making processes.[56] Pursuit Controllers, dispatchers, and frontline staff (lead unit crew – including the driver and passenger, secondary unit crew where applicable, and Field Supervisor) completed the surveys.

The survey included questions about:[57]

- application of TENR, including specific factors that influenced the officer's/employee's risk assessment
- details of the event, such as offender information, abandonment, and inquiry phase
- decision-making process and what insight may have been gained from the management of the event
- perception of training and Police management of fleeing driver events
- challenges of the role.

In total, 962 surveys were sent to staff, with a completion rate for all categories of participants of 65% (626).[58]

2.4.4. Working group

A working group was established to review the selected Police and Authority fleeing driver events. The working group consisted of representatives from the Authority and the following Police workgroups:

- Royal New Zealand Police College (RNZPC)
- Tāmaki Makaurau Police (pan-Auckland districts)
- Police Professional Conduct
- Road Policing Policy
- Police Communications Centre (Comms)

56 Respondents who were involved in more than one event selected for the Review completed surveys for each separate event.

57 See Appendix 6: Police case study survey forms.

58 Pursuit Controllers were the group with the highest return rate at 87%. Of the 552 surveys sent to frontline staff (including the lead unit driver, lead unit crew, Field Supervisor, and secondary unit crew, where applicable), 325 (59%) responded to the survey, with lead unit drivers responding at the highest rate within that group (67%). For the response rate by role, see Appendix 5: Survey response rates.

Case files

Once an event was randomly selected (or for the Authority cases, identified), a case file on the event was prepared. This consisted of information drawn from:

- Fleeing Driver notification form[59]
- Communications and Resource Deployment System (CARD) event chronology
- National Intelligence Application (NIA) records for the event (where the offender was apprehended and charges laid)
- completed surveys
- audio recording of the radio communications between Comms and Police staff (Redbox recording).[60]

Completed case files were distributed to working group members for review before each working group meeting. During these meetings, the Redbox recording for the event was played – either in its entirety or in part, depending on the length of the event. The working group would then discuss all of the available information for that event and identify examples of good practice, any issues, or points of interest for further consideration.

Identification of themes

Through both the working group review of case files and analysis of the surveys, several common issues or points of good practice were identified. These were then grouped thematically. These thematic groups are considered and addressed throughout this report.

2.4.5. District consultation

Members of the working group also visited Auckland City, Waitematā, Counties Manukau, and Canterbury Districts, engaging with staff from a variety of workgroups including road policing, Public Safety Teams (PST), the Air Support Unit (ASU), Dog Section, and Comms, as well as supervisory and management staff directly involved in executing and managing fleeing driver events. These discussions were useful for furthering the Review's understanding of the identified issues.

2.4.6. Data analysis

Qualitative analysis of the completed surveys was carried out using the software package Nvivo. This consisted of coding the data according to the high-level themes identified through the working group's review of cases, as well as incorporating new themes specifically identified through the survey data. This was an iterative process, where the themes and issues were constantly refined.

The Review also analysed offender and offence data from the Police sample and Authority cases to gain a better understanding of the characteristics of fleeing drivers (and their associated risk), as well as the outcomes of these events. This analysis included offender demographics and criminal history, offences that occurred during the fleeing driver event, and any associated offences.

59 The Fleeing Driver notification form records a range of data about a pursuit. This includes fleeing driver and vehicle details, length of pursuit, speeds reached, details of Police staff involved, what tactical options were used (including whether any TDDs were used), and a narrative of the pursuit.

60 In a few instances, the Redbox recording either could not be located or there was no Comms involvement and so no Redbox recording.

2.4.7. Literature review

As well as considering previous developments in New Zealand, the Review examined how other jurisdictions manage fleeing driver events to help understand whether the Review's themes are specific to New Zealand or whether they are more generally characteristic. This also provided an opportunity to understand how other jurisdictions respond to issues with managing pursuits.

A database search was conducted to identify both New Zealand and international literature about fleeing driver events from 1998 to 2018. The results were analysed and categorised into high-level themes: pursuit policy and practice, risk assessment, offenders, technology, and legal issues.

Surveys were also sent to all Australian police jurisdictions through the Australian New Zealand Policing Advisory Agency network to understand how they manage fleeing driver events, including their policy, risk assessment, and general practice. These responses have been considered and generalised where necessary but, where the pursuit policy is not publicly available, have been excluded from the report for operational reasons.

2.5. *Review limitations*

The Review draws on a selected case study sample to provide a snapshot of fleeing driver events and provides valuable insight into Police management of the events that were reviewed. It was not designed to be statistically representative and due to the small number of cases reviewed, it should not be treated as such.

3

Risk assessment during fleeing driver events

3. Risk assessment during fleeing driver events

Fleeing drivers present considerable challenges for Police. Pursuits are high-risk and fast paced events which can evolve rapidly, reflective of the wider operational environment Police work in. Staff are often required to make critical decisions quickly, and sometimes without the benefit of having full information. Given the speed at which they unfold, constant risk assessment is needed to manage these events safely.

3.1. *TENR risk assessment tool*

Police's risk assessment methodology, TENR, is an organisation-wide decision-making tool for any operational situation. It supports the timely, accurate, and ongoing assessment of information directly relevant to the safety of Police and others. TENR requires staff to consider the Threat, Exposure, Necessity, and Response to any given situation based on assessing foreseeable and/or identified risks to manage these risks as efficiently and safely as possible.

In TENR:

- Threat means any individual(s), or any act(s), or anything likely to cause harm or that could hinder Police in the performance of their duties.
- Exposure means the potential for harm (physical or otherwise) to people or the security of places or things. Exposure can be mitigated through assessment and planning.
- Necessity is the assessment to determine whether there is a need for the operation or intervention to proceed now, later, or not at all.
- Response means the proportionate and timely execution of Police duties aided by the appropriate use of tactics and tactical options.

The underlying principles of TENR include:

- safety is success – public and employee safety is paramount and every effort must be made to minimise harm and maximise safety
- the response to any given situation must be considered, timely, proportionate, and appropriate.

The TENR policy states that, in considering the threat, Police needs to consider any individual(s) (including the offender themselves), action(s), or anything else likely to cause harm. The threat involves how serious the situation is (or could be) and the present or potential danger the situation, environment, or suspect present to themselves, other members of the public, or Police staff.

Police should assess the risk posed by the suspect or situation based on all available information, including what they see and hear, what is known about the suspect/situation, what crime(s) has been committed/detected/signalled, and whether there is a continuing threat. Any response must be necessary and proportionate to the threat.

3.2. *Risk assessment during the lifecycle of a fleeing driver event*

The Review identified four distinct phases of a fleeing driver event where TENR needs to be applied: pre-initiation, initiation, continuation, and abandonment. This includes assessing risk before signalling a vehicle to stop, before deciding whether to pursue a fleeing vehicle, and continuously during the event.

The Fleeing Driver policy articulates the overarching principles that staff must consider when applying TENR:

- Public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver.
- Fleeing driver events must be managed in the safest possible manner.
- An inquiry phase is preferred over a fleeing driver pursuit wherever possible and when circumstances allow.
- Fleeing driver events will be begun and/or continued only when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing.
- The driver fleeing does not in itself justify a fleeing driver pursuit.
- Police will support decisions to abandon fleeing driver events.
- Fleeing drivers will be held to account.

Both the Police Fleeing Driver policy and TENR framework emphasise the importance of continuous risk assessments to ensure an appropriate Police response to changing circumstances. This is particularly important because fleeing driver events are incredibly dynamic, with constantly changing circumstances necessitating the ongoing reassessment of risk until the event is resolved.

Case study

Officers attempted to stop a vehicle that they suspected was stolen. Although the officers were unable to confirm the registration of the vehicle (and establish whether it had been stolen), the vehicle failed to stop when signalled.

During the event, the vehicle reached speeds of about 100km/h in a 50km/h area. At one point, the offender crashed into a concrete power pole, causing damage to the vehicle, before later crashing into a third party vehicle. The driver fled on foot but was apprehended.

Officers obtained the vehicle registration after the initial crash, but the vehicle was not confirmed stolen until well after the event had concluded. The lead unit reported that the lack of identifying information was a critical factor for justifying both the initiation and continuation of the pursuit; however, even when information did become available, the event was not abandoned.

A lack of information provided by the lead unit to Comms during the event makes it unclear whether they carried out any effective TENR assessment before deciding to initiate a pursuit or to continue it. Insufficient consideration appears to have been given to how the damaged vehicle may have increased the risk to the fleeing driver or other road users, and whether the immediate apprehension of the driver warranted the response taken, particularly as the risk factors increased.

Applying TENR throughout a fleeing driver event helps to ensure that:

- The actual or perceived risks are fully understood on a continuing basis, and the appropriateness of the response is considered.
- Available tactical options are understood, coordinated, and appropriately deployed.
- Police balances public and Police employee safety against the risks involved and the public interest in apprehending those who fail to stop.
- The fleeing driver event is resolved as safely and as quickly as possible while using the least amount of force.

As the event unfolds, the risk will inevitably change. When the offender's behaviour and environmental conditions also change, the need to pursue has to be continually reassessed. As one officer commented:

> *… during the daytime there is a lot more to manage in a pursuit, such as all the other traffic on the road … the need to continuously reassess risk is heightened to the point where every hundred metres or so of road can mean a complete change in circumstances.*

One of the key issues the Review identified is that not all staff understand TENR and that this results in an inconsistent application of it. Some case studies highlighted that limited risk assessments are being carried out. Although many officers demonstrate good risk assessment at certain stages of the event, it is not always continuous.

3.2.1. Fleeing driver events involving motorcycles

Pursuing any motor vehicle has significant risks, but the risk increases substantially when the fleeing driver is a motorcyclist. The lower levels of safety protection motorcycles have, the often higher speeds they reach, and the reduced visibility of these vehicles on the road network all contribute to an increased risk.

Although fleeing motorcycles involved in crashes may cause less direct harm to the public than crashes involving a car, the outcome of a crash for fleeing motorcyclists is often far more severe. In recognition of this, the Fleeing Driver policy emphasises that fleeing motorcyclists place increased risks on all involved and that any decision to pursue a motorcyclist must balance the severity of offending against the current risks, in accordance with TENR.

Due to the nature of the vehicle, there are few options for resolving an event involving a motorcycle. TDDs cannot be deployed against motorcycles, trikes, mopeds, or quad bikes, limiting the options available to Police to apprehend a fleeing motorcyclist.

In 2017, there were 489 fleeing driver events involving motorcycles. Of these 74.6% (365) were abandoned, with 67.1% (328) abandoned in three minutes or less and 9.8% (48) of these abandoned immediately (i.e. within 60 seconds). Although some situations require staff to pursue a fleeing motorcyclist, it is apparent that staff generally appreciate the increased risk and effectively apply TENR.

3.2.2. Substance-impaired drivers

Drivers suspected of driving while over the legal alcohol limit (or while otherwise impaired) pose a challenge for Police. Although pursuing substance-impaired drivers carries significant risks, these drivers also need to be promptly removed from the road because of the high risk of harm that they pose to the public and to themselves.

These drivers may be more willing to take unnecessary risks (such as driving at excessive speed or against traffic), have a diminished capacity to control their vehicle, and are often driving at night when visibility is low. In such events, staff need to carefully balance these risks against the threat of not immediately intervening and determine an appropriate response. However, such decision-making will always have a degree of uncertainty – officers can generally suspect that a driver is impaired only because of the manner of their driving. Whether they are or not can only be confirmed after the driver has been apprehended.

3.2.3. Fleeing driver events involving young drivers

Although there is a public perception that young drivers prominently feature in fleeing driver events, the Review did not identify any specific issues with young people in pursuits. This is not to say that events involving young drivers are not problematic for Police.

The lack of driving experience and their lack of fully developed brain functions mean that young offenders' propensity to engage in high-speed or generally risky driving behaviour in order to avoid apprehension increases. This can create significant risks during pursuits.

In 2017, of the 2091 fleeing driver events where an offender was identified, 17.8% were young people (under the age of 17). Of the fatal pursuits the Authority investigated during this period, the 12 fatalities recorded include a 15 year old and an 18 year old.

Although there have been calls[61] for Police to introduce a "no pursuit" policy for young drivers, there would be significant impracticalities in doing so. Identifying a driver's age is often difficult (if not impossible) when the vehicle is travelling at significant speeds and/or at night. Furthermore, such a policy would not necessarily minimise the risks to young passengers in the vehicle if the driver is (or appears to be) older.

Offender age and passenger age are both risk factors that staff must consider during the TENR assessment. If staff know or suspect the offender's and/or passengers' age, they should balance the need to pursue against the exposure to risk for all road users – including those within the vehicle.

At present, the data collected on Fleeing Driver notification forms does not include the details of any passengers in a fleeing vehicle, unless a passenger receives an injury. Therefore, it is not currently possible to gain a full picture of the numbers of people in each fleeing vehicle or their ages. Accordingly, much of the information on the age of passengers comes from the narrative of the pursuit, survey responses, or from discussions with different work groups.

3.3. *Staff mind-set: risk-averse vs risk-tolerant approach*

Although the TENR risk assessment tool can help inform decision-making in any given situation, officers' subjective appreciation of risk inevitably influences its application.

The Review identified a spectrum of staff approaches to risk, ranging from more risk-averse to more risk-tolerant. Staff understanding and application of TENR appears to be closely associated with their mind-set and attitudes towards risk.

Core functions of Police (e.g. maintaining public safety and enforcing the law) can have a strong influence on risk assessment. For more risk-tolerant staff, maintaining public safety and enforcing the law may be best achieved by holding offenders to account. This can influence their assessment of unfolding situations, where upholding the law relies on apprehending the offender. Any increasing risks are justified by the need for immediate apprehension.

In contrast, for those who are typically more risk-averse, holding offenders to account is secondary to ensuring the safety of all involved. This does not mean that apprehending offenders is not important. Rather, the need to hold an offender to account does not by itself justify actions that increase risk to others. However, in situations where an offender poses a greater risk if they are not apprehended, the focus of risk-averse staff is on resolving the event.

The assessment of what may constitute risk and beliefs about the environment also differ between staff. Risk-averse staff have a lower threshold for risk and take actions designed to mitigate risk rather than escalate it. For instance, the Review found that risk-averse staff were more likely to require a higher threshold for continuing a fleeing driver event than risk-tolerant staff, to recognise at an early stage the risks that fleeing drivers pose, and to weigh this against the need to pursue.

61 Including from the Children's Commissioner, Judge Becroft, who advocates that Police should not pursue vehicles in which young children are travelling after the driver fails to stop.

The Review also found that risk-averse staff were more likely to consider the possibility of a fleeing driver event having a bad outcome – both for the public and in terms of disciplinary action. This was largely informed by previous experience, whether it be assumed or based on actual outcomes:

> *I constantly ask the question, "is this likely to go wrong? If it does, is it worth it?"*
>
> *I have in the past, and I believe others have too, taken risks … out of pure desire to catch the bad guys… Over time, experience has taught me the risk to the public and ourselves is not worth it.*
>
> *I am very aware of the fact [that,] should the pursuit end badly… I will be investigated. This weighs heavily on my decisions, and as a result I would say I abandon pursuits relatively quickly due to the concern of being investigated should it go wrong.*

In contrast, more risk-tolerant staff may place greater emphasis on apprehending an offender in order to prevent potential future offending. Therefore, they may be more willing to initiate or continue with a pursuit because they have a heightened view of the threat and are more willing to expose themselves and others to risk to avert that perceived threat.

The Review concludes that a risk-averse approach to fleeing driver events more effectively balances the risk of not pursuing against the risk of continuing. Therefore, a risk-averse approach is the preferred approach to managing such events. Police needs to ensure that this mind-set is embedded throughout its entire staff to prioritise safety and ensure that the response to a fleeing driver is necessary and proportionate to the threat that the fleeing driver poses.

3.4. *Pre-initiation*

Every year, Police signal about 2.5 million drivers to stop. In 2017, only 3797 of these drivers (roughly 0.15%) chose not to comply and fled from Police. Although the vast majority of drivers will not flee, staff should consider this possibility whenever possible before signalling the vehicle to stop. This is particularly important where staff identify that the vehicle has been stolen or the driver exhibits risky driving behaviour.

3.4.1. Reasons for signalling a vehicle to stop

The Fleeing Driver notification form records the initial reason staff signal a vehicle to stop. This provides officers with a selection of reasons for stopping a vehicle, either under the Land Transport Act 1998 or the Search and Surveillance Act 2012. Possible reasons for stopping a vehicle include:

- fault on the vehicle (e.g. no headlights)
- manner of driving (non-EBA[62] arrestable offences) (e.g. dangerous driving behaviour)
- manner of driving (non-arrestable offences) (e.g. speeding, failing to give way)
- suspicious vehicle or person
- suspected of criminal offending (known event) (e.g. vehicle identified as stolen[63])
- suspected drink driver
- recognised vehicle or person of interest
- routine licence and registration check or breath test
- vehicle avoiding a checkpoint.

62 Non-Excess Breath Alcohol. Offences involving excess breath/blood alcohol are distinguished as "Suspected drink driver".

63 Although about one in five fleeing driver events involve a stolen vehicle, the Fleeing Driver notification form does not explicitly include identifying a stolen vehicle as a reason for signalling to stop. Based on the current options, identifying a stolen vehicle could be recorded as "Suspected of criminal offending (known event)" or "Recognised vehicle of interest". Confusion about how to classify identifying a stolen vehicle as a reason for signalling a vehicle to stop was reflected in the Police case sample, where these events were often classified as "Other".

Figure four outlines the reasons for initially signalling the vehicles to stop – both for the Police sample and Authority cases.

Figure 4: Reason for signalling vehicle to stop

	Police Sample		Authority Sample	
Reason for signalling vehicle to stop	**Number of events in Police sample**	**Percent of Police sample**	**Number of events in Authority cases**	**Percent of Authority cases**
Fault on vehicle	8	4.2%	4	5.2%
Manner of driving (non-arrestable offence)	66	34.6%	23	29.9%
Manner of driving (arrestable non-EBA offence)	18	9.4%	4	5.2%
Recognised person of interest	2	1.0%	1	1.3%
Recognised vehicle of interest	11	5.8%	10	13.0%
Stop to conduct a routine licence and registration check or breath test	11	5.8%	4	5.2%
Suspected drink driver	9	4.7%	3	3.9%
Suspected of criminal offending (known event)	29	15.2%	15	19.5%
Suspicious vehicle – behaviour (1C)	27	14.1%	7	9.1%
Vehicle avoiding checkpoint	2	1.0%	2	2.6%
Other[64]	6	3.1%	3	3.9%
Incomplete data	2	1.0%	1	1.3%
Total	**191**	**100.00%**	**77**	**100.00%**

64 Where a reason was recorded as "Other" and the description clearly matched one of the other categories, the Review reclassified the event into the appropriate category. For example, events recorded as "Other – Failed to give way" or "Other – Exceeded speed limit 70/50" were reclassified as "Manner of driving (non-arrestable offence)". In the five instances where "Other" related to identifying a stolen vehicle, this was classified as "Suspected of criminal offending (known event)".

In both the Police and Authority datasets, manner of driving (non-arrestable offence) was recorded as the leading reason for signalling the vehicle to stop, with 66 (34.6%) and 23 (29.9%) events respectively. The second most common reason was suspected criminal offending (known event), cited in 29 (15.2%) and 15 (19.5%) events. Signalling a vehicle to stop to conduct a routine licence and registration check, or a breath test, comprised only slightly more than 5% of cases in both data-sets. Fault on vehicle also comprised about 5% for both data-sets.

This is interesting factual information which may help assist in understanding the motivation for people to flee rather than stop when signalled to do so by Police. More in-depth research is required in this area.

Stolen vehicles

In the Police sample:

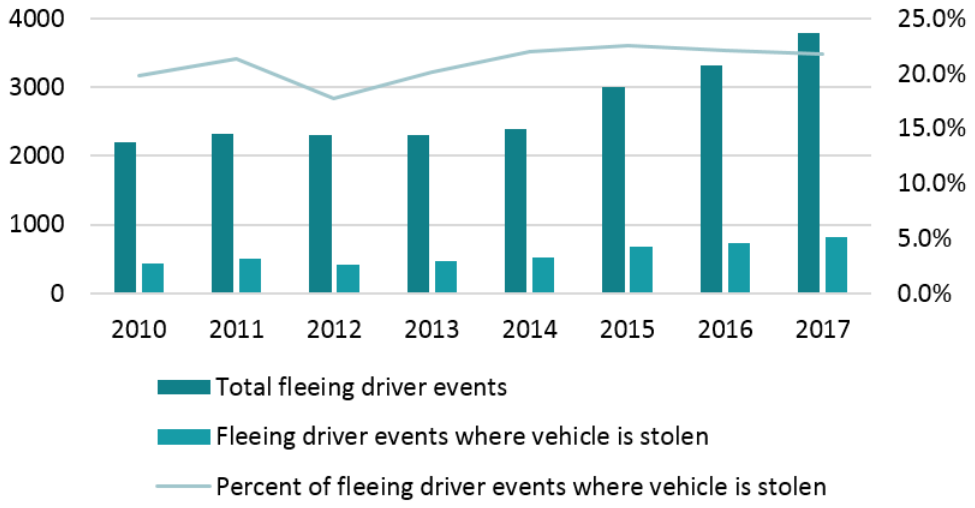
- 39 events (20.4%) involved a vehicle identified as stolen
- 21 of these events resulted in the offender being apprehended.

In the Authority cases:

- 20 events (25.9%) involved a stolen vehicle
- 18 of these events resulted in the offender being apprehended.

Although the Fleeing Driver notification form records whether the vehicle was stolen[65], it does not provide details about when this information became known – for example, whether the vehicle was identified as stolen before it being signalled to stop, during the pursuit, or after the event was resolved.

Figure 5: Stolen vehicles used in fleeing driver events



65 Stolen status is only known if Police are able to identify the registration number of the vehicle.

3.4.2. Risk assessment before pre-initiation

Although fleeing driver events occur relatively infrequently compared to the total number of vehicles stopped each year, it is still appropriate for officers to carry out a TENR risk assessment before signalling a vehicle to stop. This is particularly important where the nature of the vehicle suggests it is unlikely to stop (such as when it is stolen or the driver exhibits dangerous driving behaviour).

Ensuring that staff understand and identify the opportunities to carry out pre-emptive action that may result in a shorter or lower-risk pursuit, or diminish the need for a fleeing driver event altogether, can help reduce any risk. This can include obtaining the vehicle's registration number before signalling it to stop (which can help identify the driver and with subsequent inquiries) or coordinating with other units in the area where it is suspected that the vehicle will flee. This can provide additional time to prepare TDDs for deployment along likely travel routes.

The Review found that some staff carry out thorough risk assessments before signalling a vehicle to stop and consider in advance how to respond if the driver fails to stop. Others are not taking such action prior to deciding to stop a vehicle. In several cases, officers reflected that, with the benefit of hindsight, they would have obtained the vehicle's registration number before signalling the driver to stop and, if there is an issue, get other units in place first.

In a small number of events, the driver of the fleeing vehicle was known and did not pose an imminent threat (as determined by the TENR risk assessment framework), but a pursuit was commenced. Although Police does not prescribe offences for which an offender can or cannot be pursued, the preferred approach is for the offender to be apprehended through subsequent lines of inquiry.

One officer suggested that there is sometimes a tendency to focus on pursuing an offender over considering other options. It is important that staff consider alternative action as part of the pre-initiation risk assessment to mitigate the risk associated with a fleeing driver event as much as possible. Ongoing training about fleeing driver events, particularly on TENR and actions that can be carried out before signalling a vehicle to stop, may help this become widespread among staff. Sharing staff experiences in this area through "lessons learned" may also help raise awareness about pre-initiation tactics.

3.5. *Initiation*

3.5.1. Reasons for initiating pursuits

Should a driver fail to stop when directed by Police, an officer is expected to carry out a TENR assessment to consider whether to initiate a pursuit. The decision to pursue a fleeing vehicle should be based predominantly on the offender's behaviour before being signalled to stop – either in terms of the offender's driving behaviour or involvement (or suspected involvement) in criminal offending. Any pursuit should focus on minimising harm and maximising safety, rather than immediately apprehending a fleeing driver (although these factors sometimes overlap). Initiating pursuits can create (sometimes unnecessary) risks for the public, Police, and offender(s), which need to be balanced against the need to apprehend.

A pursuit should not be initiated purely because a driver has failed to stop, and the policy clearly reflects this. For example, if the original reason for stopping a vehicle is to carry out a driver licence and vehicle check, and the vehicle fails to stop when signalled to do so, then the need to initiate a pursuit based on the available information is unclear.

When an offender's behaviour before Police intervention is clearly established as a threat, the need to pursue is much clearer. Although Police intervention will increase the risk by adding to the number of vehicles travelling at speed, Police need to intervene to help mitigate the risk that is already present to road users. After one event, the lead unit driver commented:

> *The offender continued to come to Police attention throughout the night. His behaviour was such that it was apparent he was not going to stop driving of his own accord, and it would require Police intervention for him to be stopped. Because he had also been reported as driving dangerously while Police were not following him, it was considered that he was a risk to the public no matter what, and this increased the need to stop him.*

If the offender does not pose an immediate threat before Police intervention, then staff should consider an alternative response to pursuing. Police intervention may actually create the risk if the offender responds by fleeing from Police and possibly engaging in high-risk behaviour.

The Review found that some staff recognise the need for a high threshold for initiation and/or continuing to pursue:

> *The level of threat to justify a pursuit should be similar to that used to justify the use of a firearm as a tactical option.*
>
> *In a strict interpretation of the policy, the only time a pursuit would be justified is when the driver is known to intend [grievous bodily harm] or death to another person and an apprehension is necessary to prevent this.*

However, other staff justify initiating a pursuit solely because the driver failed to stop when required to do so. In part, this reflects a greater risk-tolerance based on the presumption that people only flee for a reason. Any failure to stop automatically escalates the threat, because some other crime has been or will be committed.

Some frontline staff expressed assumptions about criminal offending:

> *Necessity was low as far as observed offending was concerned, but the question was, and often is in an event like this, why was he running? Did he intend doing something of a serious nature or was he a threat to the public?*
>
> *The vehicle at the time was not flagged as stolen, however it was a Mazda Demio and the stolen status was assumed.*
>
> *It was necessary to act as the car may have been used previously or in the near future to commit an offence.*

These assumptions of risk and the assessment that it is necessary to pursue do not illustrate good decision-making. For example, in one event, the offending vehicle was signalled to stop because it had no vehicle lights on, which the officer believed "suggested that the vehicle was likely being used to commit offences on a Saturday evening".

Justifying action on the basis of unfounded assumptions (rather than actual or perceived risks) can create risks for everyone involved. As fleeing driver events are high risk, an effective TENR assessment needs to be based on known risks, not "what ifs".

Initiating a fleeing driver event in response to low-level traffic offending should be distinguished from initiating an event because of immediate risk to life and property. As some emphasised:

> *Pursuits generally evolve very quickly, an[d] often reasons drivers fail to stop vary considerably. On speaking with the driver, it was established that the only reason he fled was that he had no licence (requalify status) and no [warrant of fitness] or registration. Had this information regarding the driver been available, then it would not have been in my opinion appropriate to pursue the vehicle. In the end, the identified offences did not warrant the risk involved.*
>
> *In hindsight, all pursuits should not go ahead due to the safety to the Police and the public. Only if information has been received – i.e. the vehicle has been used in a robbery, theft, assaults etc … and [only when] the information is available should there be an onus to stop that vehicle … It is sometimes difficult for us not to engage in vehicles at high speed … For public safety, Police safety, and the safety of the drivers, maybe it is unnecessary to put people at risk for a vehicle to be stopped.*

Research shows that the heart rate and blood pressure of law enforcement staff are significantly elevated when they face a high-stress scenario.[66] This is consistent with research on the psychology of pursuits,

66 Meyerhoff, J.L., W. Norris, G.A. Saviolakis, T. Wollert, B Burge, V. Atkins, and C. Spielberger, "Evaluating performance of law

which has found that some officers' judgment, decision-making, and ongoing risk assessment become clouded once they become personally involved in the event.[67]

This mentality poses risks because staff may focus on a particular outcome (e.g. apprehending the offender) and may not appropriately consider the potential cost of achieving that outcome. The Police Driver training manual refers to this as red mist or tunnel vision.[68] The Police Professional Driver Programme (PPDP) seeks to address these attitudes during fleeing driver events through teaching participants the significance of maintaining emotional control.

3.5.2. Pursuit warning

On initiating a pursuit, the lead vehicle must advise Comms of this as soon as it is safe to do so. The dispatcher then needs to transmit a pursuit warning to all vehicles involved. Police's current pursuit warning is:

"[Call sign] if there is any unjustified risk to any person you must abandon pursuit immediately. Acknowledge." The lead vehicle (and secondary vehicle if applicable) must acknowledge the pursuit warning with "[Call sign] Affirm".

The Review found that the pursuit warning is not always given the gravity required. Its delivery and reception is often automated and nonchalant, and largely appears to be a box-ticking exercise for many staff. Although it is unclear what the original intent of introducing a pursuit warning was, it was probably intended to encourage staff to carry out an immediate risk assessment of the situation and consider whether it is proportional and necessary to engage in the pursuit.

However, the time taken to give and respond to the warning does not allow information pertinent to determining threat or risk to be communicated. Some staff indicated that the warning is no longer valid or meaningful, lacks relevance, consumes vital seconds of radio time at the beginning of a pursuit when more important risk information should be conveyed, and is not warranted given there are no warnings for other specific events (such as a firearms incident). Others supported the effect of the warning, which they felt signalled the start of a fleeing driver event and reinforced their responsibilities to manage risk and be accountable for their decisions.

More information about risk should be obtained earlier in the fleeing driver event, which would be more valuable than the current pursuit warning. In particular, probing questions from Comms that are specific to the TENR risk assessment, including the reason for initiating the pursuit and the need to respond would help frame officers' assessment during the pursuit.

3.6. *Continuation*

3.6.1. Risk appreciation during continuation phase

The ongoing need to respond is central to the decision to continue the pursuit – whether it is critical to respond and what that response should be (act now, later, or not at all). This includes considering whether the response reasonably endeavours to maximise safety and minimise risk in line with the TENR framework and what the potential consequences to Police and/or the public might be in delaying the response.

In some cases, the Review found that staff carry out sound risk assessments during the fleeing driver event. In these instances, staff decide to abandon events if the offender's (and Police's) driving during the event generates high risk:

67 Independent Police Conduct Authority, 34; Schultz, David, Ed Hudak, and Geoffrey Alpert, "Evidence-Based Decisions on Police Pursuits: The Officer's Perspective", FBI Law Enforcement Bulletin 79 (2010): 2.

68 The Police Driver training manual defines red mist or tunnel vision as "the term used to describe the state of mind of drivers who are so determined to get to an incident in the shortest time – perhaps by catching up with a car in front, or overtaking another car – or so focused on thinking through the pending situation that they are no longer capable of assessing driving risks. The minds of these drivers are no longer on driving but on some other goal."

The driver's driving manner alerted my attention to stop the vehicle and for them to be spoken to. When they failed to stop for Police, I deemed it too great of a risk to members of the public to continue pursuing the motor vehicle because of the vehicle's manner of driving.

This example demonstrates a calculated decision-making process that prioritises minimising the immediate and imminent risk to the public and Police staff. It is essential that, in carrying out an ongoing risk assessment, staff focus on whether the need to apprehend the offender still outweighs the potential risk that the pursuit poses to the public, Police, and the occupants of the fleeing vehicle.

Sometimes, the need to apprehend will take precedence, especially where the offender poses a significant immediate risk to the public regardless of the pursuit. However, it will often be best to abandon the pursuit, especially if no significant offences have otherwise been established.

It is apparent that, for some risk-tolerant staff, the threshold for continuing a pursuit is as low as it is for initiating it. In these cases, staff consider that the need to continue to pursue remains until the event is resolved – either through the offender stopping voluntarily/involuntarily or the offender "getting away".

This thinking prioritises the need to apprehend and hold the offender accountable for their actions over the need to reduce the risk the offender poses to the safety of themselves and other road users. Such behaviour is contrary to the Fleeing Driver policy, which clearly articulates that public and Police safety take precedence over immediate apprehension.

The Review also found that the factors that influence staff decisions about whether to continue pursuing vary considerably. For some staff, a fleeing vehicle travelling at excessive speed or failing to stop at red lights is enough reason to abandon the event. For other staff, the offender has to demonstrate significantly risky behaviour, such as driving on the wrong side of the road or going through red lights at speed, before they consider abandoning the pursuit. Providing stronger guidance about how staff should identify and respond to specific risk factors may help provide greater consistency in their decision making.

The Review found that, at times, the behaviour being observed does not appear to match staff rationale for continuing to pursue:

The offender's manner of driving was the biggest factor in this pursuit. He was going over the speed limit and weaving between traffic in an attempt to get away from Police. There was an intersection where he failed to stop for a red light, which exposed other road users to a potential crash. These factors were considered throughout the pursuit, and the decision to carry on pursuing was made as the driver was cautious and slowed down whenever he met an intersection.

His manner of driving was within his lanes. His speed wasn't overly excessive even though it was around 100km/h in a 60km/h zone.

The driver of the vehicle was the threat in this instance. His manner of driving was good and max speed reached was 80/50 or 100/100.[69] As a result, I assessed the level of threat as being assaultive and above on the tactical options framework given the ability to inflict harm and loss of life.

I was mindful that it was now a residential area, flanked with numerous residential driveways and side streets, and that a vehicle travelling at speed in these streets had the potential to catch out an unsuspecting motorist. Consequently, my decision to abandon the pursuit had been heightened. However, I had not received sufficient information at that time to make that call.

The Review found that sometimes there was an inconsistency between the information about offender's behaviour that staff communicated to Comms and the information subsequently recorded in the Fleeing Driver notification form. Sometimes staff downplayed the offender's manner of driving to Comms, indicating that it was good. However, in the notification form and summary of facts (which is reflected in the severity of

69 This shorthand represents 80km/h in a 50km/h zone, and 100km/h in a 100km/h zone.

charges against the offender)[70] the offender's behaviour was reported as being at the death/grievous bodily harm end of the perceived cumulative assessment (PCA) scale.

Not only do these examples demonstrate a lack of understanding of how TENR applies to fleeing driver events, but the lack of information provided to Comms also limits their ability to conduct a TENR risk assessment. Some staff need further training in the effective use of TENR and its application to fleeing driver events.

3.6.2. Holding offenders to account

Staff often perceive the need to continue a pursuit to apprehend offenders during the event because of the lack of information (for example, no registration plates or the vehicle is stolen) to carry out follow-up inquiries:

> *The vehicle was registered to a person known to Police. It had not been reported stolen … Had we known who the driver was I would have ensured the pursuit was terminated. However, due to the fact this was not known, it meant the pursuit under the conditions could continue.*

However, as noted above, the Review found that, even when this information is available, some risk-tolerant staff initiate a pursuit and continue to pursue:

> *I managed to obtain a registration. Once obtained, the registered owner's name was also obtained. The registered owner was known to Police. However, it was still unknown who was driving the vehicle.*

Some staff expressed concerns with the emphasis on apprehension:

> *… on the odd occasion, attitudes are focused on apprehending offenders that units do fail to mitigate risk involved in continuing a pursuit.*

As one officer pointed out, even if the offender is not apprehended on a particular occasion, it is likely that there will be future opportunities to hold the offender accountable:

> *… tunnel vision can blur the actual risk, catching the person can be delayed, and, if we don't get them, they will most likely come back to light in the future.*

Irrespective of whether key information is or is not available to pursuing officers or Comms, the decision to continue must be balanced against the risk involved in continuing to actively pursue. It is highly likely that the officer's mind-set influences this risk assessment, particularly with regards to more risk-tolerant decision-making.

3.6.3. Police intervention can increase risk

Being pursued by Police places pressure on a fleeing driver. Ideally, this pressure will convince the driver to stop. However, it may also result in risky driving behaviour as the offender attempts to evade Police.

Police's Fleeing Driver policy states that, if a fleeing driver was not driving in a dangerous or reckless manner before being signalled to stop, but then does so, the officer must determine as part of their TENR assessment whether they should continue to pursue because of the potential effect that their presence is having on the driver.

Although staff may believe that pursuing a fleeing driver helps to maximise safety and minimise the risk to the public, the intervention may inadvertently do the opposite.

70 The perceived cumulative assessment (PCA) is a constable's subjective assessment, and continuous reassessment, of an incident using the TENR model, based on information known about the situation and the subject's behaviour. The PCA may escalate and/or de-escalate more than once during an incident. There are five categories in the PCA: co-operative, passive resistant, active resistant, assaultive, grievous bodily harm (GBH)/death, which are represented in the tactical options framework. When staff perceive the offender's behaviour at the GBH/death end, they recognise the potential for the fleeing driver to cause death/serious injury through their driving.

Case study

Officers were pursuing a man who had broken into the house of his ex-partner and tried to ram a Police car as he fled from the scene. The pursuit started at about 9.45am and reached speeds of 120km/h in a main residential area (50km/h zone). The traffic levels were reported as medium to light.

A dog handler, who was aware of the offender's violent history, joined the pursuit as the second unit. As the pursuit approached a roundabout, the dog handler (travelling at about 50km/h, with lights and sirens activated) crashed into a car driven by a 79-year-old driver who was turning across the road into a carpark. No-one was injured.

The pursuit was abandoned about one minute later, after the fleeing vehicle reached speeds of more than 150km/h. Police conducted an inquiry phase, which led to the arrest of the offender.

In general, the Review found that there was a lack of understanding among staff about the risk officers create by initiating a pursuit and continuing to pursue a fleeing vehicle. Most staff assess the threat and exposure of a fleeing driver event on the basis of the offender alone – with insufficient appreciation of how Police involvement may create or exacerbate that risk.

Until the offender is apprehended or the pursuit abandoned, the risk to road users is increased with every unit that pursues the offender and/or carries out Urgent Duty Driving (UDD).

Policy prescribes that no more than two Police vehicles should follow a fleeing vehicle unless tactically appropriate. However, it is apparent this is not consistently being applied. At times, the Review had difficulty determining the number of units involved in an event at any given time, despite reviewing multiple data sources such as the Fleeing Driver notification form and Redbox recording.

Although an offender driving 150km/h clearly poses a risk to other road users on their own, two or three additional vehicles driving at this speed poses an even greater risk. Although the use of the Police vehicle's lights and sirens may mitigate some of this risk by alerting the public to the pursuit, it assumes that other road users have a clear view of the event unfolding and do not unsuspectingly get involved. As one staff member reflected, during one event, the presence of other units warning members of the public to pull over actually escalated the public risk.

Police intervention can also increase the risk in terms of the offender's response. Although the initial reason for stopping the vehicle might be related to suspicious activity or a stolen vehicle, the offender's driving behaviour may not have posed a risk to other road users. However, once Police engage in a pursuit, the offender's driving behaviour can quickly deteriorate, creating significant safety risks for all road users.

Case study

A Police patrol car had begun pursuing a vehicle that had driven off from a Police cordon. Turning north on to State Highway 1, the fleeing driver was reaching speeds of up to 180km/h.

On arriving overhead, the ASU took over commentary and requested that ground staff pull back from the fleeing vehicle. In response, the patrol car in pursuit turned off its lights and sirens, and reduced its speed.

Having lost sight of Police, the driver of the fleeing vehicle slowed down to just over 100km/h. Traffic on the motorway was fairly light, and, although the offender occasionally sped up to overtake, the manner of their driving generally remained low risk.

However, on three occasions, the offender passed patrol cars parked on the side of the motorway. Although they were stationary, without lights or sirens, and not taking part in the pursuit, they caused the offender's driving to immediately change. The offender dramatically increased their speed, at times reaching 200km/h, in an effort to escape.

The ASU continued to track the vehicle at a distance and coordinate ground staff to ensure that the fleeing driver did not take any more evasive action. The offender eventually stopped at a residential address, where an officer apprehended him shortly afterwards.

The Review noted that some officers appreciate the effect that their presence has and modify their management of the event accordingly. Some staff commented on applying the "tactic" of not following too closely, to reduce the pressure on the offender to take unnecessary risks. This technique evidently works in many cases to de-escalate the risk of the event:[71]

> *The main factor I consider when it comes to fleeing drivers is whether my actions (pursuing the vehicle) are further exacerbating the nature and quality of the offender's driving.*
>
> *What risks do I create by initiating this pursuit event, not only for me but for the public?*
>
> *I pulled over and stopped, as this would have ensured there was reduced risk – the offender would have hopefully realised Police weren't chasing and therefore slowed down. It was apparent that his riding was because he didn't want to get caught, so by pulling over and stopping, he would hopefully reduce to normal road speed and follow the road rules.*

However, there is no guarantee that offenders will moderate their driving behaviour after Police abandon the pursuit or pull back. The ASU reports that some offenders will still continue to engage in high-risk driving behaviour after frontline units have stopped following. Whether this is because the offender was engaging in high-risk driving behaviour before, and regardless of, Police intervention or because they do not realise that they are no longer being pursued is unclear.

There are also many instances of crashes occurring after a pursuit is abandoned – in 2017, out of 626 crashes during fleeing driver events, 180 (29%) occurred after the pursuit was abandoned. This may suggest that some offenders do not moderate their behaviour immediately after officers have abandoned the pursuit. Exactly how long after abandonment these crashes occur is not recorded – this may be an area for further investigation.

3.7. *Abandonment*

Abandonment is a tactical option available to staff when the TENR assessment indicates that the risk of continuing to pursue outweighs the need to immediately apprehend the offender. Abandonment means that the pursuit has been permanently abandoned, and no further attempt to signal the vehicle to stop will be made unless the Pursuit Controller gives prior approval.

The Fleeing Driver policy states that the lead and secondary vehicle drivers or their passengers, the Field Supervisor, and the Pursuit Controller must monitor the risks and take responsibility to make decisions about the safe management and apprehension of the fleeing driver. Any of these individuals can order the pursuit to be abandoned if they believe that the risk to the public, Police staff, and/or the fleeing driver outweighs the seriousness of the offence and the need to immediately apprehend the offender.

An event may also be abandoned if the fleeing driver does not pose an immediate threat to the public or Police staff safety. This often occurs when the identity of the fleeing driver becomes known, meaning that they can be safely apprehended later.

In the Police sample of 191 events, 109 (57%) were recorded as abandoned. Where a reason for abandonment was specified:

- 41 (21.5%) were due to the vehicle being lost
- 31 (16.2%) were due to the danger posed to the public
- 28 (14.7%) were due to speed specifically.

71 A study of prison inmates found that, of those who said they would flee from police, most (73%) said they would slow down once they felt "safe" from police (i.e. safe from apprehension) (Schultz et al., 4).

In the Authority's 77 cases, 24 (31.2%) were recorded as abandoned:

- 10 (13.0%) were due to the danger to the public
- 4 (5.2%) were due to speed specifically
- 3 (3.9%) were due to the vehicle being lost.

Figure 6: Reason for abandoning pursuit

	Police Sample		Authority Sample	
Reason for abandonment	**Number of events in Police sample**	**Percent of total Police sample**	**Number of events in Authority cases**	**Percent of total Authority cases**
Danger to public	31	16.2%	10	13.0%
Speed	28	14.7%	4	5.2%
Vehicle lost	41	21.5%	3	3.9%
Other72	9	5.7%	7	9.1%
Total	**109 out of 191**	**57.0%**	**24 out of 77**	**31.2%**

The decision to abandon a pursuit often reflects effective TENR decision-making. Although some staff are still reluctant to abandon pursuits, this culture is shifting towards less peer criticism when pursuits are abandoned. This is underpinned by the principles of the Fleeing Driver policy – that decisions to abandon fleeing driver events will be supported.

3.7.1. Variability in abandonment decision-making

As with the application of TENR assessments during the other phases of the fleeing driver event, the Review found considerable variability in staff decision-making when abandoning events. A distinct variability in thresholds for abandonment is intrinsically linked to differences between officers' approach to risk appreciation.

Frontline abandonment decisions

A large number of frontline staff adopt a risk-averse approach, where the potential risk to other road users often outweighs the need to pursue – and a healthy appreciation that fleeing driver events do not always conclude with positive outcomes. For these staff, the overriding consideration is public safety:

> *We are in the business of helping people and not trying to hurt people. Vehicle crashes [are] a large contributor to the deaths of people in New Zealand, and, as Police, we do not want to contribute to it.*

72 Some "other" reasons for abandoning included the offender being identified and the ASU arriving to track the vehicle from a distance.

It physically makes me ill to think of a child or member of the public getting seriously injured or dying as a result of a Police pursuit.

For these staff, there is a low threshold for abandoning – for example, excessive speed in itself is a justifiable reason for abandoning the pursuit.

In contrast, risk-tolerant staff appear to consider that abandoning a pursuit is akin to "letting the bad guy get away" and that apprehending the offender is important for holding them to account and potentially preventing future and/or further crime from being committed. Some staff expressed this concern:

I personally believe that a lot are abandoned by Comms too soon. It sends the message to fleeing drivers that, if they drive dangerously during a pursuit, we will abandon and they will get away. This is obviously not the case in all pursuits, but more weight should be given to the impressions of the pursuing driver around the dangers or otherwise of continuing.

All offenders know that, if they drive fast, take a risk, then we will abandon the pursuit and they will get away. Have had it said to me!

Comms decision-making

Although multiple parties involved in the event can decide to abandon a pursuit, Comms' abandonment decisions are scrutinised more closely by frontline staff. A perceived variability in Comms decision-making appears to be a source of contention for some staff, who expressed frustration that one Pursuit Controller would permit a tactical option in a given circumstance, but another would not. Others stated that some Pursuit Controllers set an arbitrary speed above which an event will be abandoned, regardless of other risk or environmental factors.

As some staff noted:

There seems to be a huge difference between the Comms pursuit overseers from pursuit to pursuit. Some abandon pursuits really early and others later or not at all, but the commentary is generally the same in the circumstances. Seems a little inconsistent.

Some Comms Inspectors are inconsistent with others. Some will let a pursuit continue, yet in the same circumstances, others won't.

Some Comms supervisors are very quick to abandon pursuits, not for safety reasons, but because they appear to be anti-pursuits.

Speed is dangerous as everyone knows, but unless combined with another form of dangerous driving (passing on blind corner, going through a red light/stop sign etc) how is it any different than me working on the highway and catching someone travelling at 150km/h+. I still do a U-turn and chase them to stop them, and that is never questioned and I have never been told not to do that. On the other hand, I have been in numerous pursuits where fleeing drivers have been speeding, and the pursuit has been abandoned solely based on that information.

The Fleeing Driver policy does not provide specific guidelines about when a pursuit must be abandoned (such as when it goes over a certain speed). As previously discussed, the application of TENR is ultimately subjective and can be influenced by an individual's experience and perceptions of risk. Although it is important to note that both frontline and Comms staff have variable thresholds for abandoning a pursuit, there can be tensions between the two.

3.7.2. Reliance on Comms to decide to abandon

There is evidence that some staff rely on Comms to decide to abandon a pursuit. As one officer commented:

> *My personal opinion is that there is a habit of frontline officers relying on Comms to abandon their pursuits. This is sometimes evident by the commentary given, with the exaggerated description of what's happening, and their tone of voice, that they are not comfortable with continuing the pursuit.*

It is not clear whether frontline staff rely on Comms to decide to abandon a pursuit because they lack confidence in their individual decision-making competence or fear criticism for being overly cautious. Nonetheless, it appears that some officers do not feel empowered to abandon or are reluctant to do so. This may mean that some events should be abandoned earlier than they are.

3.7.3. Publicity about Fleeing Driver policy encourages high-risk behaviour

Some staff believe that some offenders engage in high-risk driving behaviour when fleeing from Police to force Police to abandon the pursuit. In part, they attribute this to the Fleeing Driver policy being available to the public. As some staff discussed:

> *I do not believe that pursuits should be abandoned so easily. The public perception (and I have heard this from offenders) is "if I do something stupid Police have to stop chasing me". This has created the mentality in offenders that they can fail to stop, and that Police will stop chasing, making it harder to apprehend them.*

> *Although the cat is out of the bag, so to speak, the worst thing about pursuits which I believe has directly influenced the increase in fleeing driver incidents and bad driving behaviour during them, is the advertisement of our pursuit policy. The policy is fine, but criminals know it and deliberately drive badly because they know that if it becomes too dangerous we will have to abandon the pursuit. I have had drivers tell me after we caught them that they drove the way they did because they thought we had to stop if they did drive dangerously.*

The Review found that some frontline staff are concerned about how the Fleeing Driver policy is depicted in public[73]. Anecdotal evidence suggests fleeing drivers engaged in active criminal offending learn the thresholds that commonly require, or should require, a pursuit to be abandoned.

Although these thresholds may vary between staff, offenders are demonstrating key behaviours in attempts to have Police abandon pursuits or to avoid apprehension. This behaviour manifests itself in some incredibly high-risk driving, including driving the wrong way on motorways.

73 This also extends to the policy itself – the Fleeing Driver policy is commonly requested and provided under the Official Information Act 1982.

3.8. *Findings*

TENR enables staff to make informed and robust risk assessments to help determine appropriate and proportionate responses to threats. It is an effective formal framework for decision-making. Although all staff are aware of the TENR framework, the extent of this understanding and their application of it during fleeing driver events is variable.

3.8.1. Staff management of risk related to mind-set

The Review found that an officer's mind-set strongly determines whether TENR is effectively applied in practice – that is, whether officers adopt a risk-averse or risk-tolerant approach to managing fleeing driver events. A good proportion of staff adopt a risk-averse approach and use TENR as an effective framework for assessing risks, determining whether to initiate a pursuit, and deciding to abandon pursuits when the risk of continuing outweighs the need to pursue.

However, some staff do not appear to apply the TENR framework effectively and sometimes take potentially unnecessary risks to apprehend offenders for what are relatively minor actual or suspected offences.

The Review acknowledges that there is sometimes a tension between balancing the need to maintain law and order and keeping the public safe. However, a focus on apprehension can take on inflated significance in the risk assessment – both in terms of the appropriateness of the response and in a lack of consideration for other potential (negative) outcomes.

3.8.2. TENR should be applied throughout the lifecycle of the event

To be an effective risk management tool, TENR needs to be applied throughout the lifecycle of the event. Staff need to constantly assess the risks of pursuing against the need to engage in, and continue, a pursuit. This is critical for ensuring that Police respond appropriately to the event, that they make timely abandonment decisions, and that they effectively manage any ongoing risks of continuing.

Before initiating a pursuit, an officer must identify a reason for signalling the driver to stop and determine how to effect that vehicle stop. The Review found that, at times, staff may anticipate that the vehicle will not stop and consider how they can deploy tactical options to prevent a pursuit from occurring. This can include broadcasting vehicle/driver details to Comms and other units about the possibility of the driver fleeing or putting proactive cordons in place before signalling the vehicle to stop. The Review considers that this is an effective application of TENR and that staff should be aware of opportunities to employ such tactics to prevent pursuits.

Applying TENR is also critical at the initiation phase. The Review found that staff do not always appreciate the need to reassess a situation before initiating a pursuit. Staff must determine whether the initial reason for signalling the vehicle and the failure to stop justify pursuing the driver in light of the potential risks of doing so. Staff need to be aware that not initiating or abandoning a pursuit can also be a legitimate response to a fleeing driver, depending on the circumstances.

Most staff carry out these TENR assessments to varying degrees, particularly when the threat posed by the offender's behaviour creates risks for other road users, and Police intervention is needed. However, some staff need to be more effective in considering the proportionality of the response against the need to respond based on the identified risk.

In such cases, staff justify the response on the basis that the driver is fleeing for some reason. A more appropriate assessment would consider whether the risk of pursuing outweighs the need to apprehend an offender, particularly for a low-level actual or suspected offence.

Although staff can initiate a pursuit in various circumstances, the underlying principle is that the decision to pursue is based on the need to respond to an established threat. Staff should continually assess the need of the intervention to ensure that the response remains proportionate to the initial and ongoing threat. Staff need to understand that they must actively manage both the threat and the risks of intervening.

When staff apply TENR during a pursuit, the assessment is largely focused on the environmental variables, such as road environment, weather, speed, and traffic volumes. Staff also consider the offender's manner of driving, although the Review found that staff understanding of what this constitutes is variable.

Some staff regard poor driving as a good reason to continue the pursuit – the driver is speeding and so needs to be apprehended to reduce the risk to all road users. Other staff conclude that poor driving means that the risk of pursuing has reached a threshold where they can no longer justify continuing the pursuit.

The Review also found that, at times, the manner of driving reported on the Fleeing Driver notification form does not match the information communicated to Comms – that is, some staff report to Comms that the manner of the offender's driving is good but then record that it was dangerous/high risk in the form.

The Review found that consideration of risk variables in an officer's TENR assessments also varied. For some staff, excessive speed is a key variable influencing the decision whether to continue. Others need multiple risk factors before they even assess the need to continue the pursuit.

Of particular note, some staff do not appear to always appropriately consider the safety of the fleeing driver or any passengers that may be in the vehicle at the time – some of whom may be present unwillingly. Although officer decision-making is undoubtedly tailored to the specific circumstances, an appropriate response relies heavily on the officer carrying out effective risk assessments. This is critical for ensuring that the Police response maximises the safety to all.

One of the key issues that the Review identified in the application of TENR is the level of consideration staff give to their own contribution to risk. An officer's risk assessment must consider how pursuing a vehicle may increase all road users' exposure to risk – not just from the offending vehicle, but any Police vehicle as well. This requires improving staff understanding of their own contribution to risk – for example, the effect of Police presence on an offender's driving behaviour. Furthermore, as more Police vehicles become involved in the pursuit (either directly or indirectly), this risk can increase. Consequently, staff need to consider their own behaviour in the risk assessment and determine whether the continued threat posed by the offender justifies the need to continue pursuing.

The Review found that, although staff consider abandoning a pursuit legitimate, the abandonment threshold depends largely on an officer's mind-set in relation to risk. More risk-averse officers are likely to perceive the actual and potential risks much earlier and abandon more quickly. More risk-tolerant officers are not always recognising the need to abandon when the risk posed by the pursuit outweighs the necessity. Others still rely on the Pursuit Controller to make the abandonment decision.

4

Control and Command

4. Control and Command

An efficient and effective Police response to critical incidents requires that everyone involved in the process clearly understands their role and responsibilities, and those of others. Control and command defines who has the authority to make decisions and what the parameters of that authority are.

Control is executed horizontally (i.e. between agencies). It is the authority to direct tasks to another agency and to coordinate that agency's actions so they are integrated with the wider response. Command, or authority within an agency, is executed vertically. It includes the internal ownership, administrative responsibility, and detailed supervision of an agency's personnel, tasks, and resources.[74]

Command of the response to fleeing driver events reported to Comms is the responsibility of the Comms Shift Commander, who assumes the role of Pursuit Controller.[75] At times, the Pursuit Controller's situational awareness will be enhanced by access to visual information from either CCTV cameras (such as those the New Zealand Transport Agency (NZTA) provides on parts of the road network) or, in Auckland's case, by a live (but delayed) camera feed from the ASU.

Although high-quality information flow is vital, the Review found that the use of TENR and the provision of information to enable the TENR assessment to be conducted is inconsistently applied. This is particularly problematic for fleeing driver events, where the Pursuit Controller's decision-making relies heavily on the quality and quantity of information the lead unit staff provide.

4.1. *Control and command during an event*

4.1.1. Ensuring the quality and flow of information is critical for TENR decision-making

The flow of information is critical for ensuring an effective control and command structure. A lack of quality information flow significantly hinders relevant parties in appreciating the risk involved in a fleeing driver event. As one officer commented:

> *Units provide up-to-date commentary in a clear and concise radio manner which enables Comms to assess continually applying TENR, thereby reducing risk to members of public, police, and offending driver.*

Staff should instinctively know what to do in an event through training, because they understand their role, what is expected of them, and how it fits within the organisation's intent. However, the Review found that this is not always the case because there is a variable understanding of what information is required, and for what purpose, during fleeing driver events.

74 Department of the Prime Minister and Cabinet, The New Zealand Coordinated Incident Management System (CIMS), Wellington: Officials' Committee for Domestic and External Security Coordination, 2014.

75 If a Police Communications Shift Commander is unavailable, a constabulary team leader may take the role of Pursuit Controller. In exceptional circumstances, this may be a Police employee who is not a constable.

The Fleeing Driver policy states that, when notifying Comms of a fleeing driver event, an officer must provide:

- location
- direction of travel
- description of the fleeing vehicle
- reason for pursuit (failure to stop is not a reason).

Much like the TENR risk assessment, there is considerable variability in the quality and flow of information frontline staff provide. The Review found that there can sometimes be significant issues with the quality and quantity of the information relayed from frontline officers to Comms and vice versa.

4.1.2. Prioritising information for efficient TENR risk assessments

The Review found that staff do not always consistently communicate the most appropriate information to inform a TENR assessment.

Staff show an over-reliance on Police's previous risk assessment tool for fleeing driver events, SOWETO.[76] Officers provide situation reports (sit-reps) more frequently than they identify and relay the threat and exposure to that threat.[77]

The Review considers that Comms should reframe such questions as "what is the manner of driving?" to "what are the current risks?" so that frontline staff actively consider and communicate the most important risks. The quality of the information currently provided to Comms is often not enough to carry out good TENR assessments, especially by the Pursuit Controller. This can undermine overall decision-making in the management of the event.

The Review found that staff prioritised communicating information such as the lead driver's PPDP classification to Comms at the start of a pursuit. Although such information can help with the coordination of resources (including replacing a non-Gold category lead driver as soon as practicable), there is arguably more immediate value in communicating critical risk information, such as traffic volumes and the speed of the fleeing vehicle.

Given the pace at which fleeing driver events occur, prioritising the most valuable information and using vital radio time efficiently is critical for the Pursuit Controller to carry out a continuous and informed TENR risk assessment. Further to this, communicating a thorough TENR assessment allows staff to actively identify and consider the threats present in evolving situations, as opposed to engaging in a passive or reactive manner.

One of the challenges for Comms is managing the radio traffic for an event. The Radio and Communication Centre Protocols policy dictates that, except for 10-9 (urgent) or 10-10 (emergency) calls, units not involved in pursuing a fleeing driver must maintain radio silence unless called by the dispatcher. The Review found that, although the commentary between the lead unit and Comms is the priority conversation, other units often participate in the radio conversation, whether to obtain sit-reps to actively join the pursuit or coordinate the deployment of tactical options.

In an environment where there is significant demand for "air-time", ensuring that any radio communications are pertinent to the event is paramount. As one Comms staff member commented:

> *… other units that are not directly involved need to stay off air unless in the position to be directly involved – i.e. I don't need some unit on the other side of the city telling me he is 10 [minutes away] and where is he wanted … he is 10 minutes away! I need him to listen, get close, then when immediately nearby to say so when appropriate.*

76 **S**peed and manner of driving, **O**ccupant characteristics, **W**eather conditions, **E**nvironment, **T**raffic conditions, **O**fficer and vehicle capabilities. SOWETO was superseded by TENR in 2016 and, like TENR, was to be carried out throughout the event.

77 The Fleeing Driver policy suggests factors such as speed over posted limit, manner of driving by fleeing driver, road rule breach, location, and road and traffic conditions as relevant information to report as part of a sit-rep.

There is an evident gap between policy and practice, and a lack of understanding about the expectations of staff involved in the event. A demonstrated lack of discipline about providing and eliciting information that does not assist in carrying out good TENR assessments considerably reduces the Pursuit Commander's ability to effectively manage the Police response to the threat. Revisiting and reinforcing what information is pertinent to the fleeing driver event – and for what reason – will result in better understanding, decision-making, and outcomes.

4.1.3. Demand for information can be overbearing

The Review found that there is variable understanding of what information (and for whom) is critical to effectively manage the event. While reviewing the case files, the Review's working group noticed that Comms significantly probed for information in many events. In general, surveys from frontline staff illustrated that some felt Comms' involvement in eliciting information was unnecessary and counter-productive to the management of the event:

> *Perhaps if Comms were to allow the staff on the ground to communicate more, rather than talking over the top of them, then the information they are seeking would be passed on more effectively. Often, the staff on the ground are being spoken over while they are trying to transmit and are not able to hear what Comms are asking. This causes a large amount of confusion from both sides and, when staff are speaking over the top of each other, it takes a considerable amount of time to recover and continue with normal communication.*

> *In every single pursuit I have been in or heard over the radio, Comms have interrupted the commentary to prompt the officer. More often than not, the officer was already giving the required info. The way our digital radios work, when Comms interrupts, it cuts over the officer who doesn't realise his communications haven't been heard. This always, always ruins the smooth flow of information and will often cause the pursuit to be abandoned. I don't know if Police policy compels Comms to do this or if it is just over-enthusiastic dispatchers. Either way, this practice needs to stop.*

Many staff expressed concerns with Comms probing for information. It is unclear whether this concern is because of a lack of understanding about what information Comms needs to effectively manage the event or whether it relates to a general lack of support for Comms' decision-making. In any case, this is clearly a source of confusion and frustration for many staff.

Despite the Fleeing Driver policy clearly stating the roles and responsibilities of staff involved in a fleeing driver event, the policy does not always translate into practice. Any misunderstanding of respective roles can affect the effective management of the event, create frustration, and lower morale, as was evident through the survey responses.

Balancing competing needs

Providing the right information at the right time can be challenging for frontline staff, given the need to manage the competing mental tasks of providing commentary, maintaining observations on the fleeing driver, and driving safely at high speeds. Some frontline staff discussed this:

> *… one must consider when the driver or lead car officer is required to answer questions about driver/weather, [they] will generally be driving at high speeds, concentrating on [their] driving, offender's driving, and all this being done one-handed.*

> *... sometimes you are concentrating on all the variable conditions before you, and trying to drive, so while you are processing all this you can become quiet on the radio.*

Issues with cognitive workload are likely to be more pronounced when the lead unit is single-crewed[78], although these staff are generally more experienced – for example, sergeants, dog handlers, and specialist/dedicated road policing staff. In units with two officers, the passenger takes responsibility for radio communications, reducing the cognitive workload for the lead unit driver. A single-crewed lead unit may not

78 Of the 191 events in the Police sample, 101 of the events (53%) had a passenger in the lead unit. Of the 68 Authority cases, nine events (13%) had a lead unit passenger.

be required to provide radio commentary if the ASU or a secondary unit provides it.

The role of Comms in eliciting the necessary information from single-crewed units is significant. Prompting officers to provide information should generally be less mentally taxing on them than relying on officers to offer that information themselves. However, the risks are that the officer's responses may become automated and that the prompting from Comms can take up valuable radio time. It is important that, where possible, a multi-crewed vehicle take over responsibility for providing commentary.[79]

4.1.4. Effective management of frontline staff

Awareness of number of units involved

Knowing how many units are directly or indirectly involved in a fleeing driver event is critical for Comms to effectively manage that event – both in terms of managing the associated risks (such as UDD to "get to the scene") and in coordinating resources to implement tactical options (e.g. setting up TDDs at forward locations).

The Pursuit Controller is responsible for limiting the number of Police vehicles pursuing a fleeing driver to two, unless tactically appropriate. This may include a dog unit in addition to the lead and secondary vehicle.

Despite this, the Review often found it difficult to identify the number of units either actively pursuing a fleeing driver or indirectly involved in a tactical response, such as deploying TDDs. The Review was often unable to determine this information from the Redbox recordings or the Fleeing Driver notification forms.

Some staff expressed concerns about how officers and units "flock" to the event with no overall appreciation of the increased risks or planned Police response:

> *In a bigger city … you may end up with half of the city cars "following" the vehicle being purs[ued] but not actually telling you.*
>
> *From previous fleeing driver incidents what we are told and what we sometimes see on film taken by bystanders means I can hope but never be sure there are only two units involved.*

This information could be lacking for several reasons: a lack of awareness of the policy requirement restricting the number of vehicles able to be involved in a pursuit, a lack of trust or confidence in the control and command structure (namely frontline frustration and disagreement with Comms' decision-making), heavy radio traffic preventing units from announcing their involvement, or a lack of understanding of what constitutes involvement in a fleeing driver event.

Officers omitting critical information – for example, units engaging in a fleeing driver event without Comms' knowledge or units continuing to actively search for the offending vehicle despite not having permission or mandate for such action – are working outside the control and command structure. This reduces the ability of Comms to carry out appropriate and informed risk assessment and to direct staff to abandon the pursuit where applicable. Officers possibly downplay offenders' behaviour for the same reasons, which may contribute to the variability in TENR risk assessments.

Information-sharing between staff

The effective flow of information is essential in informing Comms' TENR assessment but also for all units who may become involved in the event or subsequent events. As one officer commented:

> *The vehicle was suspected to have been the same one involved in a similar matter hours earlier in the area. This suspicion was not established until during the pursuit, by which time it was all but over.*

A lack of knowledge transfer has been identified as a particular problem – that when other units re-engage the fleeing driver, they may not have adequate background information about the earlier event to inform their TENR assessment.

79 QPS currently requires a pursuing unit with one officer to be replaced by a two-person unit when available.

The Review found that there are issues with knowledge transfer between staff when circumstances have changed, such as during shift changes and multiple operational demands. For instance, what has changed between the decision to abandon and the decision to re-engage? Is the driver still taking unnecessary risks to avoid being apprehended by Police? It is important that all relevant information can be communicated to the relevant staff at the right time to support effective decision-making.

Policy does not empower dispatchers to abandon a pursuit

The Fleeing Driver policy does not specifically allow a dispatcher to direct frontline staff to abandon a pursuit. As dispatchers act on the authority of the Shift Commander, some Comms centres support the practice of dispatchers deciding to abandon a pursuit before the Pursuit Controller arrives and train their dispatchers to use TENR accordingly.

The Review has identified an opportunity to consider whether dispatchers should be empowered through policy to abandon pursuits until the Pursuit Controller takes active command. There is some District support for this approach, with staff recognising the number of serious incidents that could occur within a Comms jurisdiction at any one time, the competing pressures on a Shift Commander's time (particularly at the Communications Centre in Auckland), and a dispatcher's prior knowledge of related events on their radio channel.

Any change should be accompanied by increased levels of training on the TENR risk assessment process for dispatchers as appropriate.

Field Supervisor involvement in fleeing driver events

The Field Supervisor, who is normally the shift Sergeant when the fleeing driver event occurs, is responsible for overseeing the incident. The experience of Field Supervisors and their knowledge about the capability of their staff can be invaluable during fleeing driver events.

Despite the most recent change in policy explicitly allowing for Field Supervisors to abandon pursuits, the Review found that the number of such abandonments is very low. Although Comms staff identified no issues with Field Supervisors abandoning events, some felt that the supervisors could take a more active role in managing them (particularly, deciding to abandon), in recognition of their knowledge of staff capability and local environmental conditions and risks.

4.1.5. Role of the Air Support Unit (ASU) in a control and command structure during an event

Aerial surveillance plays an invaluable role in mitigating some of the risks associated with fleeing driver events. This can include providing commentary on the event, reporting on traffic conditions and driver behaviour, and accurately tracking the fleeing vehicle from a distance. Throughout the Review, staff continually emphasised the value of the ASU in the greater Auckland area. As staff members noted:

> *With [the ASU] going 24/7, [more often] we can drop back and let [the ASU] track the offender at a distance until they park or abandon the vehicle. It is easier to pick them up when they are out of the vehicle.*
>
> *The use of [the ASU] is excellent. It is quick to get overhead, and good to resolve events. It mitigates a lot of risk.*

Policy states that the tactical flight officers (TFOs) on-board the ASU are responsible for assisting the Pursuit Controller in the control and coordination of the fleeing driver event. However, the policy does not explicitly state how far this control and coordination extends. The exact role that the ASU plays in the control and command structure can be a source of confusion for many staff. As one officer commented, "[it is unclear] what [the ASU's] role is. Are they a Pursuit Controller?"

The Fleeing Driver policy empowers TFOs to request permission from the Pursuit Controller to direct Police resources as part of the tactical response to a fleeing driver event. The Review found that there is a real advantage in having Comms pass Forward Command to the TFOs, enabling them to direct resources. Their wide-angle, aerial perspective provides the ASU with critical information that allows TFOs to effectively coordinate a response to the threat posed by the fleeing driver.

When the ASU becomes involved in a fleeing driver event, the Pursuit Controller must consider instructing the frontline staff to drop back. If the Pursuit Controller abandons the pursuit, this does not apply to the ASU unless specifically directed.

The Fleeing Driver policy does not explicitly state where command lies when the ASU is involved, particularly after the pursuit has been abandoned but the ASU is still aerially observing the fleeing vehicle.

The ASU also indicated that it wants greater clarity about its role and function in fleeing driver events. Clarifying the role of the ASU in the control and command structure in the Fleeing Driver policy would help reduce confusion about respective roles and responsibilities.

Case study

Around lunchtime, a patrol car saw a Nissan station wagon on a major arterial route. The Nissan had been stolen a week earlier at knifepoint. The patrol car followed the stolen Nissan without lights and sirens and called other units and the ASU closer to their location.

Observing the patrol car nearby, the female driver of the Nissan increased the car's speed to 80km/h, so the patrol car activated its flashing lights and siren, signalling the vehicle to stop.

The Nissan drove at speed on the wrong side of the road into heavy oncoming traffic and through several intersections, against red lights. The officers abandoned the pursuit after 29 seconds, describing the offender's behaviour as "dangerous and erratic".

The ASU observed the fleeing vehicle from above and began coordinating units into positions to deploy a TDD to stop the vehicle, while ensuring that units maintained an appropriate distance from the offender. The ASU provided constant updates to Comms, reporting the vehicle continuing at speeds of about 100km/h, driving along the median strip, and crossing into the opposing lane towards oncoming traffic. The vehicle narrowly avoided colliding with a Police officer attempting to deploy a TDD.

Comms allowed the ASU to maintain command and directed other units to keep the channel free and not to use sirens.

The ASU continued to monitor the vehicle until it lost control near a school, colliding with parked cars. The three occupants then fled on foot. The ASU's positioning meant that effective cordons were put in place, and all offenders were apprehended by officers shortly thereafter.

Influence on frontline units' behaviour

As well as coordinating resources, the ASU offers the unique ability to monitor and moderate the behaviour of frontline units, provide a level of accountability for the actions and responses of these staff, and ensure compliance with policy. The ASU suggested that providing a "warning" to ground staff, such as "you are being recorded", once the ASU was overhead could minimise red mist or a lack of risk appreciation.

As one officer said:

> *Helicopters play a good role. There is a higher level of compliance due to [the ASU] being overhead. It is causing staff to think of tactics and not be cavalcading.*

The Review found that, because of the efficacy of the ASU in fleeing driver events, in some instances, frontline staff feel that they need to "hold on" until the ASU is in the vicinity. One officer described the "mental relief" that they feel when the ASU is overhead and the TFO assumes responsibility for commentary. However, the decision to continue or abandon should not depend on the ASU's availability.

4.1.6. Tensions between frontline and Communications Centre staff

One of the major issues the Review identified was a tension between frontline staff and Comms staff. In general, frontline staff frequently consider Comms staff to be overly risk averse, and perceive there to be a general lack of trust in frontline officer decision making. Frontline staff also felt that Comms were not trusting them to make good decisions.

> *Be more confident in the staff that are in the pursuit to make the right call. They are well aware of consequences if they cannot justify their actions.*
>
> *It is units that aren't on the ground observing the pursuit first hand that make the wrong decisions. I feel that more trust should be placed in the lead or primary unit to make the right decisions in regards to the situation at hand.*
>
> *Some more trust in the Police member involved to decide on possible courses of action would be beneficial.*
>
> *The officers on the street need to be trusted and viewed as having the training to stay safe and do things by the book. We are seeing things first hand.*

The Review found that the most significant cause of this tension was frontline officers' frequent disagreement with Comms' decisions to abandon. The Review found that frontline staff do not believe that Comms has enough information to hold control and command. Instead, they believe that they should hold primary responsibility for deciding to abandon, given they are "there" on the ground and have access to the most information:

> *Police on the ground hav[e] more control over the pursuit and whether it is safe to re-engage as they have a better appreciation of the situation (being overseen by a supervisor on the ground).*
>
> *Allow [the] officer a little bit more involvement with the decision to abandon as opposed to a Comms inspector that only goes on information received over the radio.*
>
> *All staff prioritise safety, and those on the ground are in the best position to judge whether the pursuit should continue or be abandoned.*
>
> *Sometimes, I feel that the Police Communications override the Police member on the ground when they are in the best position to decide on the appropriate action.*
>
> *... some pursuits are ordered to be abandoned by persons with no local knowledge of the staff involved or the actual ground on which the event is taking place. The Field Supervisor, who has this knowledge, should, when in a position to do so, control the pursuit, and, if they are losing control or struggling, then the Comms Inspector can step in at that time and take control.*

The role of Comms is important for mitigating against unintentional blindness or the risk-tolerant, apprehension-focused approach some officers demonstrate. Ironically, this disregard for the importance of this model indicates its necessity and importance – it demonstrates that some staff do not appreciate that being "on the ground" can lead to a loss of perspective about the threat and the necessity and proportionality of the response. Further to this, if frontline staff provide enough quality information, Comms should be just as well positioned as the lead unit or Field Supervisor to make this decision.

Some of the tension between frontline and Comms staff could be resolved through improved communication, particularly around decision-making. Some staff commented that there could be some benefit in the Pursuit Controller announcing their presence over the radio channel and actively taking more command of the incident. In particular, frontline staff felt that events were likely to be better managed if the Pursuit Controller clearly and concisely communicates their mind-set and plan to frontline staff.

Further to this, specifically explaining why a pursuit has been abandoned would help frontline officers understand that it is not some arbitrary decision made in a remote office. Ideally, all decisions to abandon should be clearly outlined on the radio (by whoever makes the decision) and recorded in the event chronology. This would inform subsequent TENR assessments about potentially re-engaging with a fleeing vehicle (and future TENR assessments in general)y:

> *There needs to be better communication between Comms and the staff on the ground as to why a pursuit has been abandoned, and why the use of TDD is not approved when the request has been denied. Staff will generally be more understanding of any decision made when an explanation is provided.*

Understanding respective roles and responsibilities

In part, some of this tension may stem from a lack of understanding of each other's roles and responsibilities during the event. It is important that all staff involved understand the rationale behind the respective roles and responsibilities – and that each role contributes significantly to a thorough TENR assessment in the efficient management of the event:

> *In terms of the general understanding [of roles], I feel almost everyone involved understands we each have a role to play for different reasons, and all those reasons are for safety. Safety for the organisation, officers chasing, and the public.*

Enabling a Pursuit Controller to monitor and manage the event is not unique to New Zealand. Internationally, it is normal practice in restrictive pursuit policies to continually relay information pivotal to an ongoing risk assessment to a communication centre, where a Pursuit Controller oversees the event.

Some frontline staff appear to have little appreciation for the value that Comms' involvement in the control and command structure provides. It is evident that the extent to which the Pursuit Controller's "support" of frontline staff extends is a source of frustration. In contrast, many frontline staff have a good appreciation of the role and value Comms provides in managing a fleeing driver event:

> *The Pursuit Controller is, and should be, neutral, risk-focused, responsible, [and] learned. [They] should possess comprehensive knowledge/experience with fleeing driver incidents, command and control and hold a rank and authority to intervene. [It is important they are] also detached from the red mist that sometimes is apparent on the street.*

> *The fact that any person associated in the event can abandon the event at any time means that even if the driver has tunnel vision, the decision can be taken out of their hands if deemed unsafe.*

The tension is not entirely one way, with some Comms staff identifying several areas where frontline staff do not enable Comms to maintain effective management of the event. Many Comms staff feel that the quality of communications they receive from frontline staff is highly variable and that this reflects the variance in the quality of frontline staff's TENR risk assessments.

As previously mentioned, cognitive workload can contribute to the lack of meaningful commentary. This often forces Comms staff to probe for further information, which frontline staff claim is overbearing despite being necessary when officers fail to provide good quality information unprompted.

When frontline staff only communicate partial information to Comms, it inevitably influences the Pursuit Controller's ability to undertake effective risk assessments from a control and command perspective:

> *After reading the lead vehicle's part of the Fleeing Driver notification, I feel I was not given information which had I known meant I would have abandoned the pursuit. I have to believe I am being given the information to allow me to make the right decisions.*

> *Everything is dependent on the lead vehicle giving all relevant and correct information during their sit-reps. Unfortunately, we also know a lot of Police like being involved in pursuits and know if they give certain information the pursuit will be abandoned, so they sometimes fail to pass on that vital detail so the pursuit will be allowed to continue.*

Accountability for the event rests with Comms and the units directly (or officially) involved in the event. However, it is unclear how much appreciation frontline staff have for the accountability of Comms in managing the event – and so the importance of providing relevant information to inform their decision-making. As one Comms staff member commented:

> *I rely on a cursory amount of information in order to make justifiable, defensible decisions all the while understanding that this will be critiqued with the benefit of hindsight.*

Both the Review and some Comms staff saw value in educating frontline officers on effective radio commentary to improve the quality and flow of information. This would better inform Comms' TENR assessments and subsequent decision-making, and the effectiveness of the overall management of the event.

4.1.7. Role of District Command Centres in fleeing driver events

The role of District Command Centres (DCCs) includes supporting and enabling the control and command of critical incidents. DCCs have knowledge of the District's available resources and commonly have access to a range of CCTV cameras (such as from NZTA and city council feeds) that are not always available to Comms.

The Fleeing Driver policy does not specify what role the DCC has in fleeing driver events or how far their control and command extends. The Review found that some dispatchers and Pursuit Controllers are concerned about the unclear boundaries between Comms and DCCs during fleeing driver events – in particular, that DCCs go beyond their supporting role by making command decisions that Pursuit Controllers should make. The policy is also not clear about whether a Shift Commander at a DCC can abandon a pursuit. Some believe they fall under the ambit of a Field Supervisor and so can make that decision.

Staff in some Districts report directly to their DCC. This can create tensions because dispatchers do not feel that they have direct command of staff during critical incidents such as pursuits. Others also commented that DCC staff can unnecessarily tie up the radio channel communicating information that is better left to staff in the primary and secondary vehicles, such as perceptions of risk.

Contrary to this, some DCC staff said that they should have a greater role in managing fleeing driver events, particularly in monitoring and controlling CCTV camera feeds and authorising a pursuit to be abandoned. The Review considers that DCCs should not be part of the control and command structure for fleeing driver events, and should not be able to abandon a pursuit.

4.1.8. Automated resource locator

Several case files demonstrated situations in which automated resource locator (ARL) technology would have helped provide information and coordinate resources. The Review noted that the number of units involved in a fleeing driver event is not always clear, including whether units are actively pursuing the fleeing vehicle or being used as a tactical option such as a roadblock.

A solution that would allow for Global Positioning System (GPS) tracking and for identifying vehicles or staff involved in an event would be particularly helpful for Comms staff. Pursuit Controllers and frontline staff generally supported the use of GPS or other real-time tracking information.

Although some Police vehicles have had automatic location systems fitted in the past, live GPS tracking of frontline vehicles or staff is not currently possible (although staff in analogue radio coverage areas are fitted with Officer Safety Alarms that can alert a dispatcher to their GPS location when activated).

The current system relies on staff passing static location information to Comms by radio. The dispatcher manually enters this information into the CARD system. Additionally, GPS-equipped mobility devices such as iPhones electronically send location information to CARD when an action is carried out – such as creating a field event.

This static information provides limited visibility of a unit's location – in fleeing driver events, this is a particular problem because cordon and tactical options often need to continuously change throughout such a dynamic event.

The current mode of operation has significant limitations for fleeing driver events, which are predominantly fast-paced and dynamic. These limitations include:

- increased cognitive workload for an officer using the radio to update the dispatcher with location and other information while driving, often at high speeds, to ensure that the event is being conducted in accordance with the Fleeing Driver policy
- continuous work for dispatchers, who need to devote time to each radio call and then manually update the location information in the CARD system
- a large amount of radio traffic, especially in an active situation when the dispatcher may need to co-ordinate the movements of a large number of units. If existing radio traffic is already heavy, this becomes a challenging task.

Location services helpful in fast-paced events

Location information can provide more effective and efficient management of fleeing driver events. For Pursuit Controllers overseeing an ongoing event, the predominant advantage of location data comes from the availability of "real time" information to inform calculated tactical decisions and to ensure staff safety.

Using location information for setting cordons provides an enormous tactical advantage, particularly in assigning the closest unit to a cordon and immediately knowing when they arrive. There is also the potential for the technology to immediately identify the speed, type of vehicle, class of driver, lights and siren activation, and location. In such high-risk, dynamic events, these factors may lead to an immediate abandonment, as well as reduce vital radio time spent communicating this information.

Live location information can also significantly improve the workplace safety of frontline staff. The ability for District Supervisors and Comms to know the exact geographic location of a staff member will considerably reduce the time it takes to provide back-up. At present, if a unit does not respond or requests back-up without giving or knowing their location, only their last recorded location in a CARD event is known.

Police looking to further use ARL technology

The Commissioner of Police has directed work to investigate capabilities that could record and/or display the real-time location of frontline staff while they are on duty. This is being commissioned foremost as a safety tool. This work is currently in the planning stages, with implementation possibly starting later this year.

4.2. *Control and command after the event*

The Fleeing Driver policy details the roles and responsibilities of all staff following a pursuit. However, the Review found that these responsibilities are not always widely understood or followed.

4.2.1. Control and command processes after a pursuit is abandoned

Once a pursuit is abandoned, irrespective of who makes the decision, the Pursuit Controller must broadcast the abandonment decision to all staff. All staff actively pursuing (such as the lead vehicle) must then carry out the following procedure:

- acknowledge any direction to abandon a pursuit or advise the Pursuit Controller that the pursuit has been abandoned
- immediately reduce speed to increase the distance between the fleeing vehicle and the Police vehicle(s)
- deactivate warning devices (lights and siren) once below the posted speed limit
- stop as soon as it is safe to do so
- confirm to the Pursuit Controller that the Police vehicle is stationary and state specific location
- carry out an inquiry phase as directed by the Field Supervisor.

Although the policy is clear that this procedure applies to all frontline units involved in the event, in practice, in some fleeing driver events some units do not disengage from the pursuit. Rather, these units engage in an immediate search phase, where apprehending the offender is still the focus. Although these units follow some aspects of the procedure (e.g. turning off lights and sirens), they are still following the vehicle or heading in the direction that the vehicle was travelling in.

Continued staff engagement in search phases

Search phase was removed from the Fleeing Driver policy in June 2016 to eliminate any ambiguity about what Police action could or could not be carried out after a pursuit has been abandoned. Previously, two phases followed the active pursuit of a fleeing driver: search and investigation. However, the endorsement of a search phase allowed pseudo-pursuit behaviour at times, such as driving at high speeds to "catch up" to a vehicle to confirm it was the vehicle previously being pursued.

The intention of removing the search phase and relying instead on an inquiry phase was to make it clear what action is permitted after a pursuit has been abandoned. It also allows the event to be unmistakably categorised as active (pursuing or actively managing the event) or concluded (including an inquiry phase where practicable).[80]

Despite the term's removal, both the language used by staff and the review of the case studies illustrates that some staff continue to search for the subject vehicle after a pursuit has been abandoned. Frontline and Comms staff frequently refer to carrying out a "search phase" over the radio and in completed Fleeing Driver notification forms. The behaviour of frontline staff when inappropriately engaging in a search phase – including actively searching nearby environs – contradicts the policy requirements around the correct abandonment and inquiry phase procedures.

The Review was unable to determine whether the ongoing use of a search phase was due to a lack of awareness of the current policy settings or whether staff regard the search phase to be a legitimate course of action (despite being contrary to policy). The Review found that removing the search phase from policy in 2016 had not been well communicated or implemented, and that the current policy needs to be re-emphasised.

80 In 2013, the Authority investigated several fleeing driver events as a result of the failure of some officers to follow correct abandonment procedure. In one case, officers twice failed to pull over after the pursuit had been abandoned. Instead, they said that they were "just keeping obs[ervation]" or they "affirm[ed they are not in pursuit], we are just in behind it now lights and sirens" (Independent Police Conduct Authority, 2016). This indicates the confusion there can be about what qualifies as actively pursuing a vehicle and a search phase.

Unauthorised re-engagement

One of the risks of staff engaging in a search phase is a propensity for some staff to re-engage with the offending vehicle without seeking the appropriate permission or carrying out a robust TENR assessment.

The Fleeing Driver policy clearly sets out the requirements for re-engagement:

- Permission must be sought from the Pursuit Controller to engage a fleeing driver after a pursuit has been abandoned.
- Permission will be granted to re-engage a vehicle previously involved in a fleeing driver event only if the Pursuit Controller is satisfied that any subsequent risks are mitigated or the situation has changed.
- Only the Pursuit Controller can determine whether the fleeing driver will again be signalled to stop and will advise the requesting officer of their decision.

Case study

After receiving complaints about the manner of driving and speed of a vehicle driving south from Auckland, officers initiated a pursuit.

Over about 30 minutes, the pursuit was abandoned and re-engaged four times. However, the abandonment procedure was not always followed, and officers did not seek authorisation to re-engage the pursuit (or explain how the situation had changed from when the pursuit was abandoned).

Each time the pursuit was begun again, Comms provided the pursuit warning, which officers could have interpreted as approval to re-engage.

The reasons for abandoning the pursuit included radio difficulties, reckless driving, losing sight of the vehicle, and excessive speed.

The pursuit ended when the fleeing vehicle crashed on a corner of a rural road.

Some staff, both in lead and supporting units, demonstrated a lack of understanding of the re-engagement protocol. The Review observed significant variability in compliance with re-engagement requirements.

Although some staff exhibit total compliance with procedures, others continue to actively search without lights and sirens. In some cases, supporting units re-engage regardless of the decision to abandon.

By extension, those staff who fail to comply with the abandonment decision and policy also fail to carry out good TENR assessments. Unless the risks or circumstances presented by the fleeing driver are mitigated or have significantly changed between the decision to abandon and the decision to re-engage, there is no justification to re-engage.

This may depend on the initial reason for abandonment – for example, where the pursuit is abandoned due to heavy traffic rather than excessive speed. However, staff often associate regaining observation of the vehicle with the need to re-engage even though the situation and the associated risks remain unchanged. This suggests that many staff apply little or no threshold for re-engagement. As one officer said:

> *I believe a second unit passed the [lead vehicle] and did not cease the pursuit as instructed. This member advised he still had obs[ervation], but this would only be possible if he had failed to stop [after the pursuit had been abandoned]. It was an unauthorised re-engagement and when the member asked for permission to re-engage this was declined.*

Case study

Police received a complaint from a member of the public about a suspicious vehicle in a residential area. On locating the vehicle, staff signalled it to stop. The vehicle then accelerated away and on to the closest State highway.

The vehicle weaved in and out of heavy traffic and travelled through a red light. The commentary from the lead unit was slow, and Comms needed to prompt for updates and seek clarification when necessary. At this point, the secondary unit announced that they would provide the commentary so that it was forthcoming.

Several Police vehicles had converged on the area. This resulted in most of the traffic pulling to the side, and the fleeing driver using the median strip to pass them. The Pursuit Controller requested all available units to get into a position to deploy TDDs.

Despite the offender maintaining control of the vehicle so far, the secondary unit called for the pursuit to be abandoned once the vehicle began driving on the wrong side of the road, causing oncoming traffic to swerve. The Pursuit Controller agreed with this decision.

However the secondary unit, which had pulled off the side of the road, immediately sought permission to re-engage once the vehicle returned to its correct lane. Comms confirmed that there was no permission to re-engage but that permission to deploy TDDs was granted.

A third unit then sighted the vehicle and also sought permission to re-engage, and Comms reiterated there was to be no re-engagement. After this, the third unit confirmed that the vehicle had been successfully spiked.

In the background on the radio, multiple units with sirens activated (and presumably carrying out UDD) can be heard. The Pursuit Controller followed the Fleeing Driver policy and reiterated that "there is to be no urgent duty driving and no sirens" because the pursuit had been abandoned. Police eventually chased the offenders on foot through a nearby school, where they were then arrested.

The secondary unit crew raised concerns about the failure of some field staff to comply with the abandonment procedure during the event – in particular, about other staff continuing with lights and sirens after the pursuit had been abandoned. This led to a debrief with those field staff concerned to ensure that they complied with the policy in the future.

4.2.2. The role of control and command after the pursuit

One of the overall principles of the Fleeing Driver policy is that fleeing drivers should be held to account. This means that, after the fleeing driver event, relevant inquiries should be carried out to identify and apprehend the fleeing driver. Frontline staff are responsible for carrying out that investigation.

Currently, there is a lack of clarity about where control and command sits and the respective roles and responsibilities of each party after a pursuit has been abandoned.

Control and command during an inquiry phase

In part, this uncertainty likely relates to whether staff engage in an inquiry phase or, contrary to policy, a search phase, because this often determines the level of oversight needed. A search phase is more likely to lead to immediate searching for the offender and re-engagement. However, Comms has no oversight of the units and the activities that they carry out, since they are technically in an inquiry phase, where the Field Supervisor maintains control and command.

In contrast, an inquiry phase may span hours, days, or weeks. The risks for an inquiry phase are also significantly lower than a search phase, because pseudo-pursuit behaviour, such as UDD, is not permitted.

Given the variability of staff actions, the responsibility of each respective role is increasingly fluid based on what command the action demands. This was expressed by a dispatcher:

> *I learnt that we cannot rely on units to carry on their work once the pursuit is abandoned. We need to push and ask for updates as the dispatcher and Comms Alpha [Pursuit Controller] need to know what is happening so we can provide further instruction.*

The Review considers that there are opportunities to strengthen the control and command of the inquiry phase. This would help improve staff engagement in inquiry activities, to ensure offenders are held accountable wherever possible.

Role of aerial surveillance after the event and during "authorised follows"

The control and command structure after an event becomes even less clear when the ASU is involved. As previously discussed, the control and command structure is considerably more fluid once the ASU is involved because it is often in an advantageous position to direct resources.

Once a Pursuit Controller has ordered a pursuit to be abandoned, they must specify whether the decision to abandon extends to the ASU as well or whether the ASU should continue to follow the fleeing driver at a distance as an "authorised follow". During an authorised follow, TFOs can still coordinate a tactical response to the event, such as by directing frontline units to set up TDDs at certain locations. As previously discussed, whether ASU assumes total control and command of the event at this point is unclear. This includes whether any frontline units directed by the ASU are still actively engaged in the event – and whether the ASU has the authority to permit frontline units to re-engage.

Although authorised follows frequently occur when the ASU is involved in a pursuit, the Fleeing Driver policy does not explicitly provide for them. There would be significant value in clarifying these issues.

4.3. *Findings*

4.3.1. Ensuring the quality and flow of information

The Review has emphasised how critical good information is for informing TENR risk assessments. Ensuring that all relevant parties have access to high-quality information at the right time to inform their respective decision-making is critical for effectively managing risk during fleeing driver events.

Although some staff provide Comms with the required level of information in a timely manner, the quality and flow of information varies considerably. At times, Comms must repeatedly probe staff for information – which frontline staff can perceive to be overbearing and unnecessary. Whether this is related to a lack of understanding about why this information is important or a general lack of support for Comms' decision-making is unclear.

Obtaining situation reports information is clearly important for enabling the effective coordination of resources and to provide Comms with an overview of the physical environment. However, the value of this information for informing risk assessments is less clear.

Ensuring that staff appreciate and effectively communicate this risk information to Comms is important for enabling the Pursuit Controller to carry out effective TENR assessments, and to maintain effective control and command of the event. Requiring this information from frontline staff also prompts them to actively identify and consider the risks, rather than communicate information in a passive or reactive manner.

The Review recognises that providing the necessary information to Comms is a heavy burden for single-crewed units and that, where possible, the responsibility for providing commentary should be transferred to a multi-crewed vehicle as soon as practicable.

While the pursuit warning serves to ensure that staff appreciate that the decision to pursue carries risk, the Review found that staff often underplay its significance. In its current application, the pursuit warning is not an effective risk-management tool, given that it is often acknowledged automatically or, in some instances, not at all. The Review considers that asking for more pertinent information about threat and risk when a pursuit is initiated would be more valuable than eliciting an automated response.

It is clear from the Review that there is a lack of understanding around the nature of the information Comms requires and why. Improving this understanding may help resolve some of the frustration that some staff feel about the type and level of information being requested from them.

4.3.2. Effective management of frontline staff

Overall, there is a good level of support for the shared management model that operates between Comms and frontline staff. The model ensures a level of objectivity in the decision-making process, helping to provide a balance to frontline decision-making. Although, for the most part, the model works, there are some underlying tensions between frontline and Comms staff in practice. This is particularly pronounced when Comms directs that a pursuit be abandoned.

Some staff feel disempowered from the decision-making process when this happens. They struggle to understand how someone remote from the situation is best positioned to make the abandonment decision. However, the counter-argument is that frontline staff can sometimes focus too much on apprehension and lose an overall perspective of the event. This emphasises the value of having externally-driven objective decision making that Comms provides.

A lack of buy-in for the control and command model can manifest itself in different ways – for example, through units engaging in a pursuit without Comms' knowledge (and so working outside of the control and command structure), units continuing to actively search for and pursue offenders after the decision to abandon, and units underreporting offender behaviour – presumably to reduce the potential for Comms to decide to abandon.

Furthermore, improving the line of communication around abandonment decisions could similarly reduce some of the tensions. For example, if the Pursuit Controller communicates the reason for abandoning a pursuit to frontline staff, this could help legitimise the decision, while also helping to inform any re-engagement decisions.

The Review has identified an opportunity to improve staff understanding of the respective roles and responsibilities in the overall management of fleeing driver events. The Review considered that this should also include clarifying that the DCC role is to provide support and redeploy resources, but that they have no control and command responsibility – which includes the ability to direct pursuits to be abandoned.

Although the Fleeing Driver policy clearly states the respective roles and responsibilities during the respective phases of an event, the Review identified some issues with control and command after the event – specifically during the abandonment and inquiry phases. In terms of the abandonment procedure, staff responses ranged from total procedural compliance, to turning lights and sirens off but still actively searching, to supporting units not complying with the decision to abandon and re-engaging the pursuit.

Continued staff engagement in a search phase is a particularly problematic example of the issues with control and command after an event. While the search phase was removed from policy in 2016, "search phase" continues to be the prevalent terminology among frontline and Comms staff. Furthermore, in practice, some staff continue to engage in search-related activities. This includes actively searching the nearby environs, which may or may not involve UDD. In terms of control and command Comms generally has no oversight of the units and the activities that they carry out during this phase.

The control and command structure after an event becomes even less clear when the ASU is involved. It is unclear who holds ultimate control and command in these circumstances – particularly given that the ASU can coordinate a tactical response, including directing frontline staff to particular locations while still actively monitoring the offending vehicle from the air. This can include directing dog units to locations where the offender(s) may have exited the vehicle, or directing units to set up TDDs. Providing clarity around the role of the ASU in the control and command structure will help strengthen the management of fleeing driver events.

5

Event Resolution

5. Event Resolution

Although the characteristics of individual fleeing driver events can vary considerably, they can be resolved in only limited ways:

- the offender voluntarily stops – the offender "gives up", perhaps determining that the risk of continuing fleeing is too great[81]
- the offender involuntarily stops – for example, because of vehicle fault, TDDs disabling the vehicle, the vehicle being stopped through cordons, or the vehicle being stopped by a crash
- the pursuit is abandoned – either because of the nature of the offender's driving (Police assess the risk of continuing is too great) or because Police lose sight of the offending vehicle.

5.1. *Tactical options*

Tactical options can offer significant benefits in reducing the risks associated with a fleeing driver event, including bringing the event to a safe conclusion. However, Police policy currently has no tactical option to physically stop a vehicle when an offender has failed to stop.

Police can make use of the following tactical options in the overall management of an event, including in apprehending an offender(s):

- abandoning the event
- aerial surveillance (generally available in greater Auckland only)
- TDDs
- temporarily closing a road(s)
- non-compliant vehicle stop (moving block) by the Armed Offenders Squad (AOS) or the Special Tactics Group (STG)
- dog unit
- inquiry phase.

To secure the full benefit of any of the above tactical options, officers must be appropriately and adequately equipped through training and apply effective TENR to their decision-making. The availability of any tactical option and the effectiveness of its coordination inevitably influences the outcome. For events involving motorcycles, there are even fewer options for resolving the event given that TDDs cannot be used.

The Review considered how staff use these tactical options to resolve or attempt to resolve an event, how they influence officers' decision-making and practice, and how certain tactical options can significantly mitigate risk to officers and members of the public.

5.1.1. Abandonment

As previously discussed, abandoning the pursuit of a fleeing vehicle is considered a tactical option. Abandonment may be preferable to continuing a pursuit in several circumstances, such as where there is an unsubstantiated risk to the public or Police. It may also be tactically advantageous to abandon an event, such as when the fleeing driver has been identified, does not pose an imminent threat to the public or Police, and can be apprehended later.

81 A small number of events are technically classified as a fleeing driver event – in that the driver fails to stop when signalled to do so – but this failure is not because of any intent by the driver. For example, in one case study, the driver was so intoxicated and his car stereo was on so loud that he was not even aware that there was a Police car behind him with lights and sirens. There has been some debate about the overall role of intent in determining whether a driver's behaviour constitutes fleeing or not.

5.1.2. Aerial surveillance

Police currently leases three helicopters and owns one Forward Looking Infrared Camera (FLIR). One helicopter is available, equipped with the FLIR, 24 hours a day, seven days a week. Based in Auckland City, the ASU is predominantly used within the Auckland region, although it can be deployed in nearby districts.

The ASU attends a wide range of incidents, with priority given to those involving harm or threat to any person. In managing fleeing driver events, the ASU is primarily used to assist the Pursuit Controller in the control and coordination of the event, such as monitoring and moderating the behaviour of the fleeing driver and police units, and coordinating tactical options and cordons.[82]

The Fleeing Driver policy empowers the ASU to take over the primary responsibility for providing commentary from frontline units where appropriate. This alleviates some of the cognitive workload for frontline staff.

Established in 1998, the ASU became available 24 hours a day in October 2017. Since then, the ASU has:

- attended about 1.2 fleeing driver events each day
- attended more than 65% of dispatched fleeing driver incidents
- achieved an apprehension rate of 99.7% when it is overhead. This rate is 100% once the footage from the FLIR is reviewed.

The ASU was involved in 21 events from the Police sample and six Authority cases. The working group noted that the ASU is a valuable tactical option and observation/surveillance platform in fleeing driver events because of its advantageous aerial perspective. The FLIR camera allows for an enhanced aerial view of ground movements and can zoom in and view in lowlight and/or infrared. The camera also allows for high-definition recording and a delayed downlink of the footage to various Comms and operation rooms throughout the country.

The Review found that, given the potential effect that Police can have on an offender's behaviour, the ASU allows for frontline officers to stop actively pursuing fleeing vehicles. Consequently, Pursuit Controllers should consider instructing frontline units to drop back once the ASU becomes involved to help moderate an offender's driving manner. The ASU can also moderate the behavior of officers in pursuing units by providing real-time visual oversight of their activity.

Environmental and technical limitations

Although the ASU is arguably the quickest and most dynamic operational asset in the Police fleet, its ability to deploy is limited by factors such as weather, fuel, and air traffic, particularly around Auckland's two controlled airspaces. The technology used by the ASU also has factors that restrict its functionality, availability, and capability.

The complexity of the FLIR HD camera and the current downlink system have significant operational restrictions. As its transmitter does not function when the helicopter is flying faster than 40 knots, the broadcast of the camera's footage to Comms can be delayed by up to 56 seconds. The ASU also reports that using the transmitter can result in unwarranted interference from frontline staff who are not trained in interpreting the footage.[83]

The Review found that an upgrade to reduce the delay between transmitting and receiving the video signal might help better inform Comms' TENR assessments.

82 The ASU is crewed by one civilian pilot and two constabulary TFOs. This allows one TFO to operate the FLIR camera and transmit to Comms, while the other navigates and scans multiple Police radio channels. Night vision goggles and gyro-stabilised binoculars also enable the TFOs to have a good appreciation of the environment and surroundings at all times. The ASU operates in accordance with TENR and Crew Resource Management. The decision-making process influenced by these principles empowers the two TFOs and civilian pilot to carry out a collective risk assessment. Importantly, if one staff member objects, any action being carried out must cease.

83 However, Pursuit Controllers describe this footage as invaluable and "filling lots of our knowledge gaps" during fleeing driver events, but they have concerns that the footage is not always available in real time because of technology limitations.

Case study

Early on a Friday morning, a patrol car noticed a suspicious unoccupied vehicle parked outside a central Auckland address. The officers queried the vehicle using their mobility device and found that the registration label did not match the vehicle and was registered as stolen.

While the officers were contacting Comms, three unidentified people entered the vehicle and began driving away from the CBD. The patrol car followed the vehicle at road speed, providing commentary on the vehicles movements. The vehicle then suddenly accelerated and ran a red light. The officers signalled the vehicle to stop, but it continued to drive at speed.

After Comms was advised the vehicle had failed to stop, the ASU, which was airborne when the event began, was above the fleeing vehicle within a minute. Aware that the ASU was en route to the event, the lead unit driver noted that this changed his TENR assessment and that he was intent on following the vehicle until the ASU was in a position to take over observations.

When it arrived at the scene, the ASU advised Comms that eight Police units were currently pursuing the vehicle. Consequently, the Pursuit Controller ordered several of the units to withdraw. The ASU was able to continue to monitor the vehicle and the behaviour of field staff. The ASU requested supporting units to pull back from the fleeing vehicle several times.

As the fleeing vehicle made its way along a wet urban motorway, travelling at about 170km/h in a 100km/h area, a unit requested permission to set up TDDs on an off-ramp. The ASU advised Comms that it did not support the suggested location, given the speed of the vehicle and the traffic and weather conditions. Comms advised that the TDDs were not to be deployed.

The ASU continued to track the vehicle to a residential cul-de-sac, where the occupants dumped the vehicle and fled on foot. The ASU provided guidance to staff, who found and arrested the offenders.

Future opportunities identified by the Air Support Unit

Of greatest concern to the TFOs, which was evident in the review of case studies involving the ASU, is the frequent inability for TFOs to transmit vital risk information on the radio. This is because of constant radio traffic from Comms and frontline units, despite commentary from TFOs often being higher priority. As policy enables the ASU to take responsibility for commentary, consideration should be given to how such radio transmissions are managed – at least in providing priority to the ASU communication over frontline units.

TFOs expressed a desire to communicate and collaborate with other workgroups, such as PST, Road Policing groups, and Comms to gain a greater understanding of the roles, responsibilities, and capabilities of each. The ASU emphasised how this could enhance the management of events, including knowledge of what information is most valuable to which roles.

TFOs also have an appetite for further collaborative training, particularly because ASU training is primarily delivered in silo. Some TFOs also noted that it would be valuable to witness and discuss the aerial surveillance practice of other jurisdictions to share knowledge and identify areas for improvement.

5.1.3. Tyre deflation devices

TDDs are a key tactical option available to Police during fleeing driver events. When a vehicle drives over a TDD, spike(s) are designed to break away from the nylon frame and penetrate the tyre surface that contacts the road. To prevent the spiked vehicle from immediately losing control, the spikes' construction ensures a slow but controlled rate of tyre deflation. This controlled deflation increasingly affects a vehicle's handling characteristics and traction, and should force an offender to slowly reduce the vehicle's speed. When the tyre pressure reduces, the vehicle can continue with compromised handling. At this point, the tyre will begin to heat and shred, leaving the vehicle operating only on its rims.

Under Police's Fleeing Driver policy and TDD policy, an officer may generally deploy a TDD only with the authority of the Pursuit Controller. However, deployment can be self-authorised if a TENR risk assessment has indicated that an immediate response is justified and prior approval from the Pursuit Controller cannot be obtained. Such situations can include where there is an immediate risk of serious injury, loss of life, or

significant property damage. If a pursuit has been abandoned, TDD deployment can no longer be self-authorised for any re-engagement.

A deployment can be overt or covert depending on the operational requirements. Due to the short timeframes deployment officers operate in, most TDD deployments are overt – a marked patrol vehicle is parked on the same road as the target vehicle. Covert deployment requires either an unmarked car or a marked patrol vehicle hidden from the offender's line of sight, with the officer also concealed before deployment.

On deployment, staff must retreat to a position of cover. The safety of all involved is the primary concern. If the risks of the deployment and/or location are deemed to be unacceptable, the TDD should not be deployed. Deployment staff, the Pursuit Controller, or the Comms Shift Commander can abandon the deployment.

In the Police sample, a TDD was used in 27 events (14%)[84] and was successful in 22 of these (81%).[85] In the Authority cases, a TDD was used in 14 cases (18.2%) and was successful in 10 of these (71.4%). These figures approximate usage in all events in 2017, where a TDD was deployed in 479 events (12.6%) and successful in 362 of these (75.6%).

Figure 7: TDD deployment and success rate

TDD deployed	Number of events in Police sample	Number of events in Authority cases
No	164 (86%)	63 (82%)
Yes	27 (14%)	14 (18%)
Successful deployment	22 (82%)	10 (71%)
Total	**191**	**77**

Tyre deflation device training

All RNZPC recruits receive theoretical, practical, and scenario-based TDD training during their eight day PPDP training course.

Recruits initially receive a 30-minute classroom session covering legislation, policy, and equipment. The theoretical information is reinforced through several practical deployment scenarios, both mobile and static, that are built into the overall driver programme.

Police Officers designated as Level One Responders[86] receive TDD training as part of the PPDP driver programme every three years. Recently graduated officers also get another refresher at six to 12 months after leaving the RNZPC, depending on when they progress to a Gold PPDP driver classification. Level One Responders are also required to complete an annual online driver training module, which includes a TDD module.

One potential gap in this TDD training is understanding the physics of vehicle speeds and the distances they cover. Improving this knowledge may help reduce the risk of staff injury during TDD deployments.

84 An event may have multiple TDD deployments, but these will be recorded as one use.

85 Although success is not defined, it is taken to mean that at least one tyre on an offending vehicle was deflated. It does not mean that the vehicle was stopped or that the driver was apprehended.

86 An employee who is trained and certified in Physical Competency Test, First Aid, e-Learning, Driving, Appointments (including TASER), Firearms, and Tactics..

Some frontline staff revealed a hesitation to use TDDs without authorisation from a Pursuit Controller. This may be because of a lack of understanding of the policy allowing them to deploy TDDs without approval (and the criteria for doing so), accompanied by a lack of regular ongoing refresher training in the safe use of TDDs.

Limitations

TDDs have several limitations. First, their effective use depends on the TDD being deployed at the right place and at the right time. Anticipating the potential flight path of the fleeing driver can be challenging, particularly in metropolitan areas where the fleeing driver might have several route options. There must also be suitable conditions (such as availability of cover) for deploying the TDD to ensure staff safety and to avoid alerting the fleeing driver about the deployment. Minimising the ability for the fleeing driver to avoid TDDs is important.

TDDs, if deployed (or recovered) incorrectly and without cover, carry a risk of injury to staff because of technique and their proximity to the fleeing or police vehicles.[87] However, they pose little risk to the public – although if accidental spiking does occur, Police are liable for the costs of repair.

Effective use also depends on good communication between staff. As well as ensuring that the TDD is deployed in an appropriate location, good communication helps minimise the risk that pursuing police vehicles are also spiked. As one staff member noted:

> *"...the biggest learning from this incident was about the effective deployment of TDDs. Two police cars were spiked, yet the fleeing vehicle managed to avoid them. Good communication from staff deploying spikes is essential so pursuing officers are aware of their placement."*

Finally, successfully using a TDD does not guarantee that an event will be resolved. Although the effective use of TDDs can mitigate the risk the fleeing vehicle poses, in most instances, they have a moderating effect on the fleeing vehicle's handling and speed rather than a disabling effect. To illustrate this, a TDD was deployed in 99 events in 2017 where the offender's vehicle was spiked but the pursuit was still abandoned.

5.1.4. Tactical options to bring a vehicle to a stop

> *I personally feel that there are situations where police need to be able to proactively bring the vehicle to a stop. In the words of a former Snr Sgt, "we have no option but to just follow and wait." Well, surely the longer you follow and wait, the longer (time-wise) the risk remains.*

Staff spoken to during the Review expressed frustration with the limited policy options to physically bring the fleeing vehicle to a stop, particularly after successfully deploying TDDs. Although technology can serve as a valuable tactical advantage, technological progress can be slow.

Staff strongly supported Police considering other technology to stop vehicles, such as grab-nets,[88] or to identify the location of the fleeing vehicle at a later point through electromagnetic GPS.[89] There was also some support for considering infrastructure improvements such in-built spikes on motorway on/off ramps that would cause tyres to deflate when a vehicle drove the incorrect way over the spikes. Police is currently investigating new technology to help resolve fleeing driver events safely.

Some staff indicated that making other tactical options available – specifically, controlled collisions – would help resolve events. At present, policy empowers only AOS and STG members trained in the tactic to carry out a non-compliant vehicle stop. This tactic must be in response to a mobile and armed offender and carried out during an AOS or STG operation.

87 Police are currently investigating TDDs with the ability to automatically deploy, which may help minimise the risk of injury to staff.

88 Grab-nets use high-strength netting (which can also contain spikes) that wraps around a vehicle's tyres when the vehicle drives over or through the net.

89 One form of electromagnetic GPS consists of two GPS tags and a launcher installed into the front bumper of the police vehicle. When an officer launches the non-lethal GPS tag at the fleeing vehicle, the tag will attach to the vehicle and transmit location-based updates every two to five seconds. Once the vehicle is tagged and the tracking has begun, officers can reduce their speed and continue to follow the vehicle from a safe distance.

Besides this tactic, Police has no prescribed tactical option to stop a vehicle. Policy does not empower or disempower general duties staff to use a police vehicle to deliberately make contact with the offender's vehicle to stop it from progressing further. However, staff employ this tactic infrequently.[90]

Recent data also show an increasing number of fleeing drivers intentionally ramming police vehicles to avoid apprehension (120 instances in 2017, compared to 47 instances in 2013). Crashing into a police vehicle not only damages it but may also cause the air-bags to deploy, rendering the Police vehicle unusable.

Although TDDs are effective at destroying a vehicle's tyres, frontline staff described a common situation where fleeing drivers continue to drive on shredded tyres or rims for considerable distances, particularly if the car is stolen. Staff in Canterbury District described a fleeing driver who, after driving on rims at 30km/h (a speed at which staff felt the offending vehicle could have been safely stopped with a controlled collision), car-jacked a new vehicle and started driving at 100km/h. Only at this point did the Pursuit Controller direct staff to use force to stop the vehicle.

Police officers are lawfully authorised to use force in the execution of their duties in certain circumstances. Section 39 of the Crimes Act 1961 protects Police who use such force as may be necessary to overcome any force used in resisting arrest, unless the arrest can be reasonably made by less violent means. This use of force must be proportionate and reasonable.

In the context of fleeing driver events, section 39 can, in appropriate circumstances, be used to justify a deliberate collision with a fleeing vehicle to arrest the driver. As described above, AOS and STG use this protection in the context of their operations. This provision can also protect frontline officers, even though Police operational policy does not empower them to conduct a non-compliant vehicle stop. However, unlike AOS and STG members, these officers may not have had any training in using force to stop a vehicle, raising serious concerns about safety.

Case study

At about midnight on a Friday, a vehicle was driving along the middle of the road with hazard lights flashing. The driver of the vehicle did not respond when signalled to stop and continued to drive down the middle and wrong side of the road at erratic speeds, reaching up to 130km/h before slowing back down to 80km/h.

Although there was little other traffic on the road, the pursuing officer's continued TENR assessment identified that the driver posed a considerable risk of injury or possible death to the public and/or themselves if they carried on.

The presence of a patrol car with lights and sirens had done little to influence the driver, who was now heading towards the Invercargill township. As it was a Friday night, it was likely that there would be a large number of pedestrians on the street.

TDD deployment was authorised. On three occasions, the offending vehicle drove over the TDDs, but this did little to disable the vehicle. Just before it got to the CBD, the vehicle was boxed in between a raised centre pole, two civilian vehicles, and two patrol vehicles. As the driver attempted to squeeze out of the situation and continue on to the CBD, they were removed from their vehicle and apprehended.

90 Although there has been an increase in Police intentionally disabling an offender's vehicle during the past five years (eight instances in 2013, compared with 26 in 2017), it cannot be determined whether this action occurred during a fleeing driver event or otherwise.

One lead unit driver reflected on the conflict between the risks involved in performing a non-compliant vehicle stop and the immediate threat the offender poses to safety if they are not stopped. However, they also indicated that the policy and training Police provides does not help staff make such high-risk decisions:

> *After discussing the incident with various S/Sgts and Inspectors, I would be more likely to consider the use of non-compliant vehicle stops and rolling blocks. With the available units and the relatively low speed of the incident, there was ample opportunity to carry out a manoeuvre to either create a rolling block or to nudge the vehicle off the road. In hindsight, knowing that [police staff] were injured, and with the very real and immediate danger to the member of the public in the CBD, I would use TENR as my overriding policy, and would give a lot more consideration into carrying out a non-compliant vehicle stop.*

Many officers felt that the policy lacks an authority to use force, such as a controlled collision, or is not clear that they can use force. They consider that this lack sometimes exposes the public to elevated levels of risk for longer periods. Some were concerned that the policy is too restrictive and does not allow them to respond to situations seen internationally, such as terrorists using vehicles.

Others described a tension between policy and current practice. Pursuit Controllers direct staff to physically stop vehicles in some rare occasions, but staff are not trained in these techniques and are also hesitant to damage patrol cars. The Review considers that Police should consider allowing the use of non-compliant vehicle stops for vehicles that have been successfully spiked and are travelling at low speeds.

5.1.5. Dog teams

Dog teams serve as a valuable tactical option near the conclusion of a fleeing driver event, because Police dogs can track suspects after they abandon their vehicle. Discussions with dog handlers throughout the Districts indicate a good knowledge of fleeing driver events as a result of a high level of policing experience.

Auckland, Wellington, and Christchurch have dog teams available around the clock and so have the most handlers and patrol dogs available for deployment. Comms can request a dog team to engage in a fleeing driver event (often as a support unit). However, because of the short duration of fleeing driver events, deploying a dog team is often impracticable. Handlers can also scan radio channels and attend events without being specifically requested when practicable and necessary.

Deploying a dog can significantly reduce any risk to the handler and other frontline officers when an offender flees on foot or challenges frontline staff. In terms of use of force, a dog can show and use force, such as searching for, barking at, or challenging suspects, as well as biting an offender to assist in the arrest or to overcome resistance. Not only can a dog's show of force act as a deterrent for the offender but it also significantly mitigates the risk to frontline staff when searching for suspects on foot.

As is the case in any event involving a dog, environmental conditions are the primary influence on the success of a dog as a tactical option.[91] Dog teams tend to have greater success at night, when less traffic and fewer members of the public provides for faster travel time and less scent contamination.

Although data on dog teams' involvement in apprehending fleeing driver offenders are not available, more than half (57%) of the Review's case studies occurred between the hours of 8pm and 4am, which may be an important factor in dog units being involved in fleeing driver events.

Transport Operations Centres

The NZTA operates Transport Operations Centres (TOCs) in Auckland, Wellington, and Christchurch, with the Auckland centre being jointly operated with Auckland Transport. The primary function of the TOCs is to manage traffic flow and respond to any incidents on the network.

As part of this function, the TOCs have access to high definition camera feeds. These predominantly focus on motorways, the surrounding State highways, and central business districts in the three locations. Many traffic signals are currently controlled using the Sydney Coordinated Adaptive Traffic System (SCATS), which manages the phasing of traffic signals to ensure the efficient flow of traffic.

91 Time delay is the single biggest factor that compromises the dog team's ability to track a person. Scent is affected by elapsed time and other factors, such as climatic conditions, ground surface, and whether an offender has remained on foot.

Traffic management to maximise safety and minimise risk

The TOCs have access to live, high-definition camera feeds throughout the transport network. In some instances, TOC can have better "eyes on" an event than Comms (although camera feeds are, at times, available in the Comms centres), meaning they are potentially in a better position to make tactical decisions. In a similar manner to the ASU, cameras on the network allow pursuing units to reduce speed and increase following distances, with the TOC monitoring the vehicle.

A Police Senior Sergeant attends some shifts in the Auckland TOC. This officer acts as a liaison between TOC and Comms to facilitate the sharing of valuable information early in a pursuit, such as a description of the offender's clothing, and suggest options to moderate the offending vehicle, such as holding traffic signals. This role is invaluable and extending the officer's operating hours would offer greater benefit. Having TOC camera feeds permanently available in Comms was also suggested.

Access to TOC camera feeds present opportunities to improve Comms' access to information to enable effective TENR decision-making. Staff also raised the possibility of more frequently using traffic management technology, such as SCATS, to minimise the risk fleeing drivers pose to the public.

As well as managing the efficient flow of traffics, SCATS enables TOC controllers to manually override the phasing of traffic signals. This could possibly be used to remove members of the public from an offender's anticipated direction of travel.[92]

TOC staff currently use Variable Message Signs to alert members of the public to situations ahead, such as traffic accidents or road works. Frontline staff indicated that these signs could be used to alert the public to a fleeing driver event.

Although the TOCs face competing demands and are not always available to assist with fleeing driver events immediately, Police staff do not always recognise the benefits that TOCs may offer during a fleeing driver event. Staff should explore the opportunity to use this technology more effectively.

5.2. *Coordination and planning*

Although staff have limited options for resolving an event, they should consider what strategies are available to resolve the event rather than solely focus on pursuing without considering the outcome. Mind-set seems to play a large role in this approach, which can likely be shifted with further awareness about what options are available and the capabilities of the teams deploying tactical options.

The Review found that there is often a lack of planning before staff signal a driver to stop. In many cases, there was intelligence from a Police computer check on the vehicle that suggested the driver was likely to flee, such as the vehicle being stolen or the offenders having a current warrant issued for their arrest. Despite this, there was little proactive consideration of the response to the intervention. When there is a foreseeable risk that the driver will fail to stop for Police, officers should actively consider alternative options.

Some staff expressed concerns about a lack of proactive planning that could diminish the requirement to pursue or mitigate the associated risk:

> *I think we are sometimes too eager to signal a vehicle to stop which we suspect will not stop, like stolen cars, where we could put more effort into coordinating resources in places to control pursuits, whilst simply observing from a distance.*
>
> *Early placement of staff enabling control of offending drivers and/or restricting the public from entering into dangerous situations.*

In one case, officers identified a vehicle with stolen number plates that they suspected was being driven by someone with a current warrant issued for their arrest who had been actively avoiding Police for two weeks. The unit showed good initiative by calling Comms to request additional units to head in their direction, given it was likely the driver would not stop for Police. However, before this could be coordinated, the unit signalled the driver to stop and inevitably engaged in a pursuit.

92 New Zealand Transport Agency, "Traffic management", https://nzta.govt.nz/roads-and-rail/management-and-maintenance/traffic-management/, accessed 10 May 2018.

Although the unit demonstrated some forward-thinking in identifying the possibility of a failure to stop, they gave little consideration to other actions that could have reduced the risk involved in a fleeing driver event, such as closing roads or establishing a cordon – or possibly even eliminating the need for a pursuit altogether by gathering further information on the driver so they could apprehend them later.

Many international pursuit policies strongly encourage alternative options for apprehension other than pursuing the offending vehicle. These options are designed to diminish the need for a fleeing driver event in the first place. Where viable lines of inquiry exist, conducting investigations and exercising powers to identify and apprehend an offender at a later point should be given priority – similar to Police's policy dictating that an inquiry phase is preferable to a fleeing driver event.

Before initiating a pursuit, there may be various opportunities for considering tactics and tactical options that can help mitigate and manage fleeing driver events.

Where there is a foreseeable risk that a driver will not stop for Police, refraining from signalling the driver to stop (e.g. activating lights and sirens, which would otherwise gain the attention of the driver) can be effective in mitigating the risk of a deterioration in driving behaviour and, by extension, the risk to the public. Instead, by carrying out a tactical observation, staff have time to coordinate additional units or air support, or to initiate a vehicle stop in a less populated area.

Although TDDs are often used during a fleeing driver event, there is a question about whether they could be deployed proactively to help prevent a fleeing driver event before it occurs. This could also include situations where Police need to apprehend a driver and have good reason to believe that this person will offer resistance and that such resistance is likely to place the public at risk. However, without providing drivers with the opportunity to stop, and given the difficulties in predicting behaviour, it is likely that deploying TDDs pre-emptively would be justified only in the most extreme circumstances.

Many staff nevertheless expressed support for proactively deploying TDDs:

> *[It would be advantageous to] pre-deploy ... spikes to try and avoid a fleeing driver incident happening. Why should we wait until it is a fleeing driver, and therefore more dangerous for everyone, including police staff deploying spikes?*
>
> *TDD policy should authorise deployment of TDDs (with appropriate TENR risk assessment) in other circumstances where known, to proactively avoid the necessity for a pursuit…*

An alternative to pre-emptive deployment of TDDs is to coordinate staff along the likely route a driver will flee. On signalling the driver to stop, and thus giving them an opportunity to comply, TDDs can be deployed should the driver attempt to flee. Such pro-active planning can minimise the length of a pursuit and thus the risk to the public, while providing drivers with the opportunity to stop when signalled to do so.

5.3. *Unintended outcomes*

Due to their high risk, fleeing driver events occasionally end with the offending vehicle crashing. This can sometimes result in injuries and, in the worst cases, fatalities. Despite the increasing number of events and abandonments, the proportion of fleeing driver events that result in the offending driver crashing either during a pursuit or after it has been abandoned has remained fairly constant since 2009. Occurrences of fatal injuries, serious injuries, and minor injuries, for each 1000 events have tended to fluctuate slightly year by year.

Of the 191 events in the Police sample:

- 22 (11.5%) fleeing vehicles crashed during the event
- Seven (3.7%) fleeing vehicles crashed after the pursuit had been abandoned.
- These crashes resulted in eight minor injuries and one serious injury.

Of the 77 Authority cases:

- 47 (61%) fleeing vehicles crashed during the event,
- 12 (15.6%) fleeing vehicles crashed after the pursuit had been abandoned.
- These crashes resulted in 12 fatalities, 34 serious injuries and 28 minor injuries,
- Three serious injuries (to both Police staff and offenders) arose from TDD deployment.

Although there is a clear difference between crashes and injuries between the Police sample and Authority cases, this is not surprising considering that Police refer all events involving serious injury and death to the Authority.

Figure 8: Fleeing driver event crashes

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Fleeing driver events	1,915	2,234	2,436	2,155	2,347	2,195	2,328	2,310	2,308	2,392	2,997	3,324	3,796
Abandoned	566	557	595	561	682	826	1,113	1,116	1,225	1,314	1,579	1,817	2,105
Percent Abandoned	29.6%	24.9%	24.4%	26.0%	29.1%	37.6%	47.8%	48.3%	53.1%	54.9%	52.7%	54.7%	55.5%
Crashes	458	518	553	485	383	349	389	353	418	384	502	584	626
Percent Crashes	23.9%	23.2%	22.7%	22.5%	16.3%	15.9%	16.7%	15.3%	18.1%	16.1%	16.8%	17.6%	16.5%

Figure 9: Fleeing driver event injuries

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Fatal Injuries (per 1000 events)	4 (2.09)	4 (1.79)	3 (1.23)	7 (3.25)	2 (0.85)	16 (7.29)	5 (2.15)	4 (1.73)	7 (3.03)	2 (0.84)	2 (0.67)	6 (1.81)	12 (3.16)
Serious Injuries (per 1000 events)	54 (28.20)	47 (21.04)	34 (13.96)	30 (13.92)	39 (16.62)	48 (21.87)	27 (11.60)	33 (14.29)	40 (17.33)	34 (14.21)	31 (10.34)	58 (17.15)	57 (15.02)
Minor Injuries (per 1000 events)	Not Available				40 (17.04)	68 (30.98)	69 (29.64)	59 (25.54)	85 (36.83)	95 (39.72)	119 (39.71)	121 (36.40)	101 (26.61)

5.4. *Post-event follow up*

5.4.1. Effectiveness of inquiry phase

An inquiry phase is preferred over pursuing a fleeing vehicle, particularly if the driver has been identified. If a fleeing driver is not apprehended, all viable lines of inquiry to identify and hold the fleeing driver accountable should be exhausted. The inquiry phase should be dealt with as a priority prevention activity.

An inquiry phase may consist of, but is not limited to:

- aircraft monitoring of the fleeing driver to allow an inquiry phase to be initiated
- observations on known addresses
- registered vehicle address inquiry
- taking witness statements
- reviewing speed camera photographs
- unlawfully taken vehicle inquiries
- reviewing reported petrol drive-offs
- reviewing CCTV (including TOC) footage.

Case study

A Police unit noticed a suspicious vehicle in an urban area of Christchurch around 6pm on a Saturday. Initial enquiries on the vehicle indicated that it was linked to multiple offences, including petrol drive-offs and a burglary.

The identity of the driver was unable to be ascertained because multiple people were known to use the vehicle. These included individuals known to carry weapons and those with gang connections. Police turned and parked in front of the vehicle, which had pulled over to let a female passenger out. Police signalled the vehicle to stop, but it accelerated away.

The officers witnessed the fleeing driver overtake two vehicles on the wrong side of the road with no headlights and reach speeds of 120–140km/h in a 50km/h area. Less than 35 seconds after notifying Comms, the lead vehicle driver abandoned the pursuit because of the speed and the manner of driving.

The officers initiated an inquiry phase and located the female passenger. Police had an initial suspicion about who the driver was, but the woman, despite refusing to give the driver's name, claimed it was not who Police suspected.

Nonetheless, a warrant to interview was placed on the suspected fleeing driver for future inquiries. Police units in the vicinity offered useful pieces of information about some of the individuals known to use the vehicle, and Comms reiterated alerts on some of the known previous drivers.

As a result of carrying out a thorough inquiry phase, the vehicle was impounded several days later.

Staff recognise that the inquiry phase can be beneficial for holding offenders accountable. However, the Review found that, in practice, there was variable engagement with inquiry phases and that there is a general culture within Police where investigating after a fleeing driver event is not afforded the same priority as investigating other criminal offences.

There are possibly several reasons for this, with deficiencies in the accountability mechanisms for fleeing driver events likely to be a significant factor. At present, responsibility for a fleeing driver event is often not assigned to any staff after the pursuit has been abandoned. Therefore, there is no requirement for follow-up inquiries to identify and apprehend an offender.

Unlike other incidents that Police attends, unless a fleeing driver is identified and charged as an offender, fleeing driver events are not consistently recorded in the National Intelligence Application (NIA). As a result, no file is created, which hinders follow-up inquiries and leads to intelligence gaps.

The Review found that assigning a fleeing driver event to a staff member and creating an occurrence record in NIA would likely result in increased follow-up inquiries.[93] Similarly, improved guidance – either through policy or training, or both – may help increase the effectiveness of the inquiry phase.

Strengthening the post-event accountability process, would place a greater onus on the inquiry phase and potentially motivate officers to think about the long-term resolution of the event, as opposed to the short-term response.

There are legitimate instances where an inquiry phase may be less feasible, such as where there is a lack of identifying information about the vehicle or suspected offender. Although it is understandable that options for identifying or apprehending an offender are extremely limited in some circumstances, the Review found cases where information that presented a line of inquiry was available to staff, but no inquiry phase was carried out.

Despite this, the Review found that some staff carry out inquiries as a priority. This includes carrying out forensic examinations, visiting known/likely addresses, following up with the vehicle's registered owner, conducting bail checks on possible suspects, and monitoring TOC's cameras.

5.4.2. Fleeing driver coding in CARD System

Police's Communications and Resource Deployment System (CARD) system enables Comms to manage resource deployment, operational communication, and control and command during an event. After a CARD event has been closed, a disposition code is assigned to indicate how the event has been dealt with. This includes:

- K1: No further action required, no NIA occurrence created.
- K3: No offence has occurred, no NIA occurrence created.
- K6: Event reported and further investigation required, NIA occurrence will be created by the reporting officer.
- K9: Apprehension and prosecution or other relevant action will be taken, NIA occurrence will be created by the reporting officer.

At present, pursuits managed through CARD can have a disposition code assigned to them on closure. However, this particular event type does not currently link to NIA, meaning no NIA occurrence can be created for the event. This is different to other incidents that Police attends.

The consequence of this is that, even if a fleeing driver event is resulted K6 (investigation) to a unit, no file is created. This hinders the ability to carry out follow-up inquiries and limits Police's ability to generate information and intelligence about fleeing driver events. The Review considers that the current situation needs to change to ensure that investigation and follow up after the pursuit becomes common practice.

The Review considers that introducing a new code in the CARD system for fleeing driver events will create a more formalised accountability process for fleeing driver events. This will enable the event to be coded, following through to a NIA occurrence and creation of a file. As previously discussed, there is currently no obligation placed on staff to do any follow-up after the event where the offender was not apprehended.

Having a fleeing driver event resulted K6 to a unit may be an incentive and lead to an increase in staff carrying out an inquiry phase. A stronger, more formalised focus on investigation can lead to greater number of offenders being held to account for their actions after a pursuit has been abandoned. It may also help foster a culture that places a greater priority on inquiry than on immediately apprehending offenders.

93 This is discussed further later in the report.

5.5. *Camera and location technology*

Police does not currently use dashboard or body-worn cameras. However, both camera technologies receive high public support and increase police legitimacy internationally because of a higher level of perceived officer accountability, transparency, and integrity.[94]

Except for when staff pursue on foot or apprehend an offender, pursuits occur in a vehicle. Consequently, unlike other interactions between the public and Police, the presence of a camera is unlikely to positively affect the behaviour of the offender.[95] However, camera technology can serve as another layer of accountability and, ideally, increase public trust and confidence in Police if negative outcomes eventuate and become public.

Staff spoken to during the Review were strongly in favour of cameras worn on the body or positioned on a vehicle's dashboard. These would moderate poor behaviour by officers and provide evidential material for subsequent court proceedings. Staff suggested that dashboard cameras could also help corroborate facts, such as in events where a fleeing vehicle has crashed after the pursuit has been abandoned.

Combined with location tracking data, such footage would allow for an accurate account of Police actions during reviews of fleeing driver event. The footage could also be used to verify or contradict witness statements.

As fleeing driver events continue to come under public scrutiny, the ability for Police to justify and be held accountable for any actions will contribute to improved trust and confidence. Such footage can also be valuable for debriefing staff and support an overall organisational culture of learning and continuous improvement.

5.6. *Offenders and charging practices*

In New Zealand, section 52A of the Land Transport Act 1998 administers penalties for failing to stop or failing to remain stopped for an enforcement officer. The maximum penalty for a first offence is a $10,000 (NZD) fine.[96] A mandatory six-month disqualification is also imposed on those drivers convicted of a first offence of failing to stop while exceeding the applicable speed limit or operating a motor vehicle in an otherwise dangerous manner (which is cumulative on any other disqualification ordered in respect of the same incident). This is commonly referred to as an "aggravated failing to stop" charge.

Figure 10: Penalties for failing to stop

Penalties for failing to stop

	Maximum imprisonment	Maximum fine	Other provisions
First offence	N/A	$10,000 NZD	If the offender exceeded the speed limit or drove dangerously, the offender will be disqualified from holding or obtaining a licence for six months.
Second offence	N/A	$10,000 NZD	Disqualification from holding or obtaining a licence for one year.
Third or subsequent offence	Three months	$10,000 NZD	Disqualification from holding or obtaining a licence for two years.

94 Roy, Allyson, "On-officer Video Cameras: Examining the Effects of Police Department Policy and Assignment on Camera Use and Activation", Master's thesis, Arizona State University, 2014. See https://repository.asu.edu/attachments/134979/content/Roy_asu_0010N_13803.pdf, 2, 9. https://www.crim.cam.ac.uk/global/docs/theses/chris-scott.pdf/view, 49, 53.

95 Ibid, 3.

96 Land Transport Act 1998, s 52A.

Police is also empowered to seize and impound a vehicle for 28 days if the person driving the vehicle failed to stop (or failed to remain stopped).[97] The vehicle can be released to the owner if the offending driver is identified[98] or the owner provides information about the identity of the driver or passenger.[99]

Except for the third or subsequent offence, penalties for failing to stop in New Zealand are similar to those of South Australia and the United Kingdom. In both of these jurisdictions, offenders can be fined for failing to stop but not imprisoned, regardless of whether the offence is third or subsequent.

In contrast, all other Australian jurisdictions permit a term of imprisonment from the first offence of failing to stop, with Queensland and the Australian Capital Territory (ACT) having the most significant penalties. In Queensland, a conviction for failing to stop carries a maximum penalty of three years' imprisonment and a fine up to $25,230 AUD. In the ACT, offenders on their second or subsequent offence can be imprisoned for up to three years and fined up to $63,000 AUD. In New South Wales, the penalties are more severe - offenders can be imprisoned for up to three years for first offence and up to five years for a second or subsequent offence.[100]

The penalties for failing to stop in New Zealand were last amended in August 2017.[101] This increased the mandatory driver licence disqualification period from three months to six months for the first conviction, three months to one year for the second conviction, and one year to two years for the third and subsequent convictions. The amendment also introduced mandatory confiscation of the offending vehicle for the second and subsequent offence.

These amendments were made to emphasise the severity of the crime and associated risks. They were intended to deter drivers from fleeing from Police, deter repeat fleeing drivers, and increase the likelihood of identifying offenders by compelling the owner of an offending vehicle to reveal who the fleeing driver was.

However, some staff could not reconcile the current penalty framework and sentencing practices with the seriousness of the offending and suggested that more legislative change was needed to make the penalties more meaningful:

> *How about instead of looking at how Police could improve with fleeing driver events, the consequences of fleeing Police to be more severe to deter fleeing driver events … the penalties should be far more meaningful.*
>
> *Fleeing drivers should face harsher penalties to prevent them from being repeat offenders. Offenders appear to be let off the hook with a small monetary fine often, despite the risk they put on civilians in the area.*
>
> *Currently, our penalties encourage criminals to flee given the risk and reward benefits to them when they weigh up their options. The ONLY way to have any sort of deterrence from this is tougher penalties similar to what Australia brought in after the death of the young girl a couple of years ago. These are high risk events for both the public and Police staff that become involved, [so] there needs to be a far greater penalty and deterrence for them.*

It is too early to assess whether the 2017 amendment to increase penalties for failing to stop have had any effect on the likelihood of drivers fleeing. This should be considered as part of any future research commissioned looking at drivers' motivations for fleeing.

97 Ibid, s 96(1AB).

98 Ibid, s 96(6)(a)(iii).

99 Ibid, s 96(6)(a)(iv).

100 See Appendix 4: Summary of penalties for a failing to stop offence in New Zealand, Australia, and the United Kingdom.

101 Land Transport Amendment Act 2017 (NZ), ss 40–43.

5.6.1. Charges after fleeing driver events

The Review examined what offenders were charged with following fleeing driver events. Of the 91 offenders identified in the Police sample, 85 were charged with failing to stop offences.[102] More than half (49) of these charges were for the more serious offence of aggravated failing to stop, with five offenders being charged with their third or subsequent failing to stop offence.

Of the 68 Authority cases, 60 offenders were charged with failing to stop offences after the event. As was the case with the Police sample, more than half (37) of these charges were for the more serious aggravated failing to stop charge, with eight offenders being charged with their third or subsequent failing to stop offence.

Figure 11: Failing to stop charges resulting from a fleeing driver event

Failing to stop charge	Police sample		Authority cases	
Failing to stop	29	32%	14	21%
Failing to stop – third or subsequent	5	5%	8	12%
Failing to stop – aggravated	49	54%	37	54%
Failing to remain stopped	2	2%	1	1%
No failing to stop charge	6	7%	8	12%
	91		**68**	

In addition to failing to stop charges, 81% (74) of offending drivers in the Police sample and 87% (59) of offending drivers in the Authority cases were also charged with a driving-related offence, reflecting their manner of driving during the event. Most of these charges were for dangerous or reckless driving (offences under section 35 of the Land Transport Act 1998). These offences both have the same penalty range of up to three months' imprisonment, $4500 fine, and six-month mandatory disqualification. If such driving causes injury, then the penalties can range up to five years imprisonment, $20,000 fine, and mandatory disqualification of one year or more.[103] If such driving causes death, then this extends up to 10 years imprisonment, $20,000 fine, and mandatory disqualification of one year or more.[104]

The only test for dangerous driving is whether the driving was objectively dangerous. Reckless driving recognises the mental state of the driver as going a step beyond dangerous driving, into what may be regarded as a more blameworthy offence. There are several elements involved in proving a reckless driving charge: the driver fell below the standard of care expected of a reasonable and competent driver, the resulting situation was objectively dangerous, and the driver was aware of the potential danger and continued to act despite knowing the possible consequences.

Analysis of the case studies indicated that the factors influencing a reckless driving charge being laid rather than a dangerous driving charge are:

- persistent crossing of the centre line into oncoming traffic or driving the wrong up a motorway/highway
- erratic driving requiring evasive action by other road users, particularly at intersections
- the length of the pursuit, both in time and distance.

102 The six offenders who were not charged with a failing to stop offence were handled by other means, such as through a Youth Aid Alternative Action Plan.

103 Land Transport Act 1998, s36

104 Land Transport Act 1998 s36AA

Figure 12: Driving charges resulting from a fleeing driver event

Driving charge	Police sample		Authority cases	
Careless driving	3	3%	N/A	N/A
Dangerous driving	37	41%	31	43%
Driving at a dangerous speed	2	2%	2	3%
Dangerous driving causing injury/death	1	1%	5	7%
Reckless driving	30	33%	13	18%
Reckless driving causing injury/death	2	2%	10	14%
Manslaughter	N/A	N/A	2	3%
No driving charge	17	19%	9	13%
	92[105]		**72**	

Additional charges in relation to driver licence breaches, impairment, stolen vehicles, and other criminal charges may provide some insight into the factors that motivated the driver's initial decision to flee from Police. Of note, 42% (38) of offenders in the Police sample and 59% (40) of offenders in the Authority cases were charged with criminal (non-driving-related) charges after the fleeing driver event.

In both groups, most of these criminal charges related to dishonesty offences, such as theft or burglary. About one-quarter of offenders in each data-set were also charged with a stolen vehicle offence.

Figure 13: Driver licence breach charges committed during a fleeing driver event

Driver licence breach charge	Police sample		Authority cases	
Forbidden	19	21%	12	18%
Suspended	3	3%	N/A	N/A
Suspended – third or subsequent	2	2%	N/A	N/A
Disqualified	5	5%	8	12%
Disqualified – third or subsequent	10	11%	4	6%
No charge for driver licence breach	52	57%	44	65%
	91		**68**	

105 In some cases, an offender has received multiple charges in the same category. This has results in the total exceeding the number of identified offenders.

Figure 14: Impaired driving charges committed during a fleeing driver event

Impaired driving charge	Police sample		Authority cases	
Excess blood alcohol	13	14%	4	6%
Excess blood alcohol – third or subsequent	2	2%	4	6%
Refuse blood	2	2%	4	6%
Refuse CIT	1	1%	N/A	N/A
Refuse to accompany	2	2%	N/A	N/A
Drug impaired driving	N/A	N/A	6	9%
No charge for impaired driving	72	79%	50	74%
	92		**68**	

Figure 15: Stolen vehicle charges resulting from a fleeing driver event

Stolen vehicle charge	Police sample		Authority cases	
Yes	21	23%	19	28%
No	70	77%	49	72%
	91		**68**	

Figure 16: Criminal charges resulting from a fleeing driver event

Criminal charges (non-driving related)	Police sample		Authority cases	
Dishonesty	23	25%	17	25%
Drugs	1	1%	5	7%
Drugs and dishonesty	5	5%	3	4%
Firearms and weapons	2	2%	5	7%
Assault	N/A	N/A	5	7%
Other[106]	7	8%	5	7%
No criminal charge	53	58%	28	41%
	91		**68**	

106 Includes possession of instruments for conversion, fails to stop/ascertain injury, escapes custody, resists Police.

5.6.2. Fleeing driver demographics and criminal history

A fleeing driver was identified and criminal action taken by Police in:

- 91 (48%) of the 191 events in the Police sample
- 68 (88%) of the 77 events in the Authority cases.

In the cases where a fleeing driver was identified, the Review analysed[107] the following variables:

- demographic information, including gender, ethnicity and age
- previous interactions with Police or the justice system, including whether the fleeing driver had previously spent time in prison (either as a sentenced prisoner or on remand), family violence/harm history, gang connections, mental health, and alcohol or drug abuse
- most-serious traffic and non-traffic conviction or charge
- previous failing to stop history
- driver licence status at the time of the event.

Of 91 fleeing drivers identified in the Police cases and 68 in the IPCA cases:

	Police sample **91 offenders identified**	**Authority cases** **68 offenders identified**
	95% were male	97% were male
	The median age was 24 years	The median age was 26 years
	59% identified as Māori, 31% as European, and 8% as Pacific Islanders	65% identified as Māori, 26% as European, and 4% as Pacific Islanders

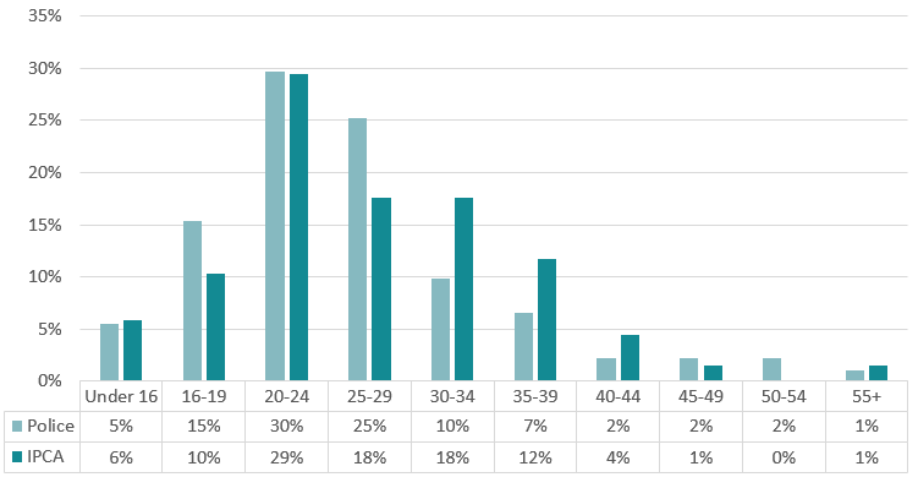
The Review found that in both the Police sample and Authority cases, fleeing drivers were overwhelmingly male, at 95% and 97% of the respective samples. Māori were also significantly over-represented in each data-set at 59% and 65%, despite representing 15% of New Zealand's population.[108]

Fleeing driver events in the Police sample and Authority cases typically involved drivers under 30 years of age (75% and 63%), most of whom belonged to the 20–24 age bracket, followed by 25–29. Fleeing drivers in the Authority cases tended to be older than in the Police sample, with a slightly higher median age of 26 compared to 24. In the Police sample, 20.9% (19) of the fleeing drivers identified were under 20, whereas in the Authority cases, 16.2% of fleeing drivers were in this age bracket. The Review found no significant difference between the ages of fleeing drivers by ethnicity.

107 Analysis was completed using the Police NIA and Fleeing Driver Database.

108 Statistics New Zealand, "2013 Census – Major ethnic groups in New Zealand", http://archive.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-culture-identity/ethnic-groups-NZ.aspx, accessed 11 January 2018. Ethnicity information is not recorded for driver licences.

Figure 17: Fleeing driver age comparison – Police sample vs Authority cases



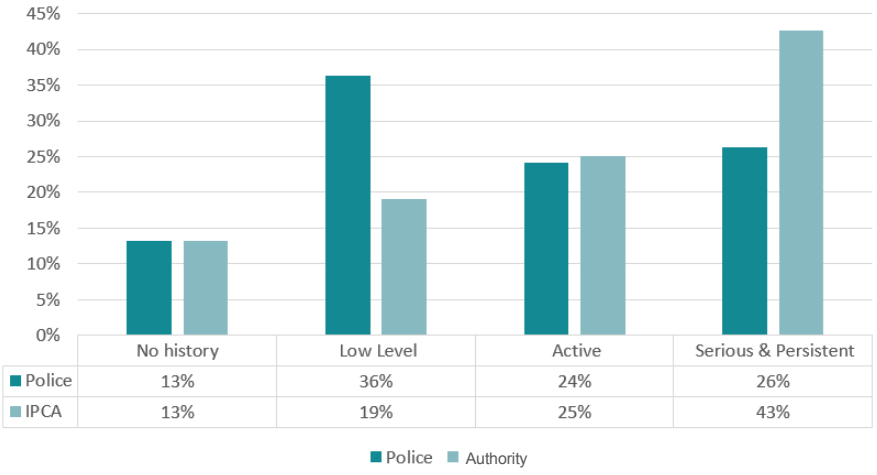
	Under 16	16-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55+
Police	5%	15%	30%	25%	10%	7%	2%	2%	2%	1%
IPCA	6%	10%	29%	18%	18%	12%	4%	1%	0%	1%

The Review also analysed each identified fleeing driver's criminal history in the Police sample and Authority cases, categorising them depending on the nature and extent of their criminal history:

- **No history** - drivers with no criminal charges or convictions, but may have infringements or low-level family harm incidents recorded
- **Low level** – includes drivers with low level charges and/or Police interactions.[109]
- **Active offenders** – those who are actively and regularly offending. This includes dishonesty, traffic and family harm-related offending.
- **Serious and persistent offenders** – similar to active offenders, but their criminal behaviour is characterised as serious – e.g. violent and/or sexual offences or high volume dishonesty, and is sustained over a period of time.

The Review found that, in the Police sample and Authority cases, only 13% of the identified fleeing drivers had "no history". In both data-sets, 87% of identified fleeing drivers had at least one previous conviction or charge for a criminal or traffic matter.

Figure 18: Fleeing driver classification – Police sample vs Authority cases



	No history	Low Level	Active	Serious & Persistent
Police	13%	36%	24%	26%
IPCA	13%	19%	25%	43%

109 The number of interactions over time is also taken into account. For example, a driver with 40 charges accumulated over 30 years but with nothing recently would be considered a low-level offender.

Of the 91 offenders identified in the Police cases and the 68 in the IPCA cases:

	Police sample (91)	Authority cases (68)
	The median number of previous criminal convictions was 16 (three for traffic offending)	The median number of previous criminal convictions was 27 (five for traffic offending)
	50% were active or serious and persistent criminal offenders	68% were active or serious and persistent criminal offenders
	42% had burglary, robbery, or dishonesty offences as their most serious conviction	60% had burglary, robbery, or dishonesty offences as their most serious conviction
	49% had previously been in prison	57% had previously been in prison
	25% were on active charges, and 18% had a warrant to arrest at the time of the offence	37% were on active charges, and 16% had a warrant to arrest at the time of the offence
	79% had a history of family harm involvement	79% had a history of family harm involvement
	30% were gang members or associates of gang members	31% were gang members or associates of gang members
	65% did not have a current driving licence or were disqualified or suspended from driving	68% did not have a current driving licence or were disqualified or suspended from driving
	31% had at least one previous failing to stop offence	40% had at least one previous failing to stop offence

Offenders in both datasets had a similar history of family harm involvement (79%), about two-thirds of each group did not have a current driving licence or were disqualified or suspended from driving, and about 30% were gang members or associates of gang members.

In the Police sample, offenders had a median number of 16 previous criminal convictions,[110] with half being classified as active or serious and persistent criminal offenders. In this group, 49% had previously been in prison, 31% had previously been charged for failing to stop for Police at least once, and 25% were on active charges at the time of the event.

110 For more details, see Appendix 3: Offender previous convictions.

This profile of criminal offending was even more pronounced in the Authority cases.[111] Perhaps most noteworthy, these offenders were more likely to be serious and persistent criminals, with a median number of 27 previous convictions. They were also more likely to have been in prison (57%), be on active charges at the time of the event (37%), and have a previous charge for failing to stop for Police on at least one occasion (40%).

The analysis of the Review sample indicates for a large proportion of fleeing drivers their offending is part of a wider spectrum of offending – not just traffic offending. Further work is required to more fully understand this link and to improve our understanding of what motivates offenders to flee.

5.7. *Findings*

A pursuit may be resolved in only limited ways – the fleeing driver voluntarily stops, the fleeing driver involuntarily stops, or the fleeing driver is not apprehended. Although some tactical options, such as TDDs, can mitigate the risk posed by a fleeing driver, their effective application depends heavily on being able to anticipate the routes that the fleeing driver is likely to take, as well as being able to effectively (and safely) deploy the TDD as the fleeing vehicle goes past. However, even if a TDD successfully punctures a fleeing vehicle's tyres, this does not guarantee that the vehicle will stop. Furthermore, for some vehicles, such as motorcycles, TDDs cannot be used.

The Review has indicated opportunities to explore technological options that could be utilised to help the overall management of fleeing driver events. This could include investigating options to disable or remotely track offending vehicles, as well as body-worn cameras or dash mounted cameras. Although the Review has suggested Police explore other tactics, such as non-compliant vehicle stops in some circumstances, the costs and benefits of these must be carefully considered.

Some staff have emphasised that there are opportunities to effectively coordinate and plan the Police response before initiating a pursuit. This can help pre-empt the need for a pursuit and potentially mitigate any risks – for instance, proactively preparing TDDs for deployment or tactically deploying units to block likely travel paths.

The value of the ASU was also reiterated throughout the Review. Staff highlighted its ability to remotely track the fleeing vehicle, provide commentary, and provide a wide-angled perspective of the event which can significantly help safely manage the event – particularly in enabling frontline units to maintain distance from the fleeing vehicle.

Although the fleeing driver policy clearly emphasises the importance of prioritising inquiries after the event if the fleeing driver is not apprehended, the Review found that staff have variable engagement in the inquiry phase. Some inquiry phases are completed soon after the event is abandoned, while others are more detailed and can span days or even weeks. For some events, the lack of identifying information about the vehicle and/or suspected offender, means that lines of inquiry are less viable. However, in other instances, an inquiry phase is not carried out despite available lines of inquiry.

One of the potential contributors to the lack of post-event follow-up is that the current systems and processes do not place any requirement on staff to resolve fleeing driver events after pursuits have been abandoned. Unlike other incidents that Police attends, fleeing driver events do not require the incident to be coded, so there is no interface with the NIA unless an offender is identified and charged.

Strengthening the post-event accountability process would provide an opportunity to place greater onus on the inquiry phase, as well as potentially motivating officers to think about the long-term resolution of the event rather than the short-term response.

The Review did not interview offenders or ascertain their motivation to flee from Police. While the Review provides limited information about fleeing driver demographics and criminal history data, further research is required to more fully understand what motivates offenders to flee. A specific focus on young people and alcohol/drug impaired drivers would be beneficial.

111 For a full comparison of the two data-sets, see Appendix 2: Police sample vs Authority cases.

6

Training and accountability

6. Training and accountability

Police invests nearly three-quarters of its budget in its staff. Delivering Police's strategic direction and the vision of Our Business is possible only if staff are equipped with the expertise and tools to do so. The calibre of staff determines the performance of Police as a whole, which indicates how important it is to adequately support, equip, train, and enable staff.

The Review found that some staff have an excellent understanding of fleeing driver events, carry out comprehensive TENR risk assessments, and exhibit a well-considered application of policies and procedures. However, this is not consistent throughout the organisation.

The demonstrated variability in understanding may indicate that the current mechanisms do not enable staff to deliver their mandate. Staff need comprehensive and regular training to safely and effectively resolve fleeing driver events. Ongoing training may help improve staff understanding and application of TENR during fleeing driver events.

6.1. *Police High Performance Framework*

The Police High Performance Framework (PHPF) is an organisational-wide framework that focuses more on equipping staff to exercise their professional judgment and less on a conventional control and command structure. The PHPF enables staff to understand the intent and vision of Police and to make good decisions that contribute to increasing trust and confidence in Police and making New Zealand the safest country. By understanding how their roles contribute to these goals, staff are given the mandate to deliver them.

In dynamic and high-risk environments such as fleeing driver events, a formal control and command structure is still appropriate to ensure a realistic and proportionate response to the incident. However, this does not prevent or restrict staff from making professional judgments.

Numerous elements of the PHPF align with the current control and command structure, as well as with fleeing driver events – particularly in relation to staff mind-set. Supervisors, including Pursuit Controllers and Field Supervisors, are expected to assume a leadership role in risk situations and ensure that staff are adequately trained and equipped. Equipping staff with the skills and ability to identify and communicate the various threats and risks present in fleeing driver events is incredibly valuable for safely managing fleeing driver events.

6.2. *What does the current training consist of?*

Fleeing driver events are high-risk situations that require specialist skills to achieve positive outcomes. The required skills include practical driving ability, good communication, situational awareness, and continually carrying out TENR assessments – all in a pressured and dynamic situation. A professional Police driver not only has to drive with a high degree of skill but also has to make accurate, swift, safe and justifiable decisions in response to urgent operational situations.

Critical incidents, including fleeing driver events, often require officers to drive above the speed limit or against the natural flow of traffic. The task of driving a patrol car is varied and, at times, can be demanding, particularly when the officer must provide a running commentary of events. Irrespective of whether they are carrying out UDD, staff must prioritise safety by driving with a high standard of care to minimise Police and the public's exposure to risk and ensure ongoing trust and confidence in Police.

To safely resolve these high-risk events, Police provide guidelines, advice, and training designed to empower staff to safely pursue a fleeing driver and make good decisions.

As a general indication of their driving abilities and experience, Police employees obtain a Gold, Silver, Bronze, or employee driver classification. Staff are awarded these classifications through the PPDP if they meet several criteria during assessment. For the purposes of fleeing driver events, only staff with a Gold classification can participate without supervision. A Silver class driver may participate, but only if they are directly supervised by a Gold class driver or in exceptional circumstances.

6.2.1. Driver training for recruits

Recruits at the RNZPC come to Police with a wide range of driving experience and abilities but must all be trained to the same high standard. The PPDP training course provides recruits with eight days of driver training (and one day of crash investigation) that comprises classroom-based theoretical driver training alongside practical and scenario-based sessions. TENR risk assessment is interwoven into all aspects of this training

The PPDP begins about half-way through the recruits' time at the RNZPC and builds on their knowledge and Police training up to that point. The theoretical component of the course covers all aspects of on-road behaviour, starting with vehicle and driver classification, attitudes and maintaining emotional control, driving techniques, crashes, point duty, fleeing driver and TDD deployment, and legislative powers. The fleeing driver and TDD classroom component takes about three hours to complete and covers the safe management of, and policy on, fleeing driver events. Recruits are then provided with the opportunity to deploy TDDs in a controlled environment, followed by mock deployments on public roads.

Alongside the theoretical training, each recruit accumulates about 10–12 hours of practical driving experience during the eight days, both in a controlled environment and on public roads. This includes practising driving techniques, maintaining control of their vehicle, hazard management, responding to a fleeing driver, and driving above the speed limit as part of UDD.[112]

During practical training, there are two to three recruits in a car to each instructor, depending on the number of recruits in that training wing. At the end of the PPDP, recruits are assessed and required to respond to a practical scenario. These scenarios cover a range of Police functions, including fleeing driver events. Each recruit receives a practical scenario at random, which may or may not relate to a fleeing driver event.

To graduate from the RNZPC, recruits must achieve a Silver classification in the PPDP, which is the highest classification a recruit can achieve at the RNZPC.[113] This means that recruits can carry out UDD once they are placed in Districts but cannot engage in fleeing driver events, unless they are supervised by a Gold class driver or the circumstances are exceptional.

6.2.2. Driver refresher training for frontline officers

After they graduate from the RNZPC, probationary constables receive further PPDP assessment and training after six to 12 months, after which they may achieve Gold driver certification. To progress to Gold, drivers must complete a driving assessment with a PPDP Assessor. This practical assessment takes about two to three hours.

Alongside assessing general driving ability, attitude, risk management, and decision-making, the PPDP Assessor discusses the driver's knowledge of pursuit management, including initiation, providing appropriate information and ongoing commentary to Comms, carrying out risk assessments, and abandoning pursuits. The assessment also involves a practical assessment on using TDDs.

Frontline officers are re-assessed every three years and receive further training if required, as part of the PPDP. They are also required to complete an annual online PPDP training module, which includes a fleeing driver and TDD theory refresher module.

112 UDD is only practiced on a private track rather than on public roads.

113 In some circumstances, special dispensation to graduate with a Bronze classification can be given by the General Manager: Training and Development.

6.2.3. Communications Centre training for dispatchers

Non-constabulary dispatchers usually have about two years of previous experience as a Communicator in Comms and must successfully complete the dispatcher training course before being involved in managing a fleeing driver event. The dispatcher training course is a two-week course and includes a three-hour fleeing driver training session delivered by the Centre Operations Managers, all of whom are experienced Pursuit Controllers. This session includes training on:

- TENR risk assessment: what the application of TENR within fleeing driver events looks like and the type of questions the Pursuit Controller needs to ask to carry out a thorough risk assessment.
- Communications protocols: reviewing Police's standard operating protocols.
- Policy: Fleeing Driver policy, which includes tactical options such as TDDs and air support.

Trainee dispatchers complete practical scenarios on CARD terminals about creating a fleeing driver CARD event, assigning units to it, and running through a scenario until its conclusion.

Constables are able to assume a dispatcher role after a short training course.

6.2.4. Communications Centre training for Shift Commanders/ Pursuit Controllers

The role of Pursuit Controller during a fleeing driver event is usually assumed by the Shift Commander. Shift Commanders are Inspectors and, as such, will already have considerable policing experience, including an understanding of TENR and Police policy.

Before assuming the role, prospective Shift Commanders complete a two- to three-week Shift Commander training programme, which includes three to four hours of fleeing driver management training. This programme includes training about fleeing driver policy, TENR risk assessment, completing Fleeing Driver notification forms, and risk management as part of a fleeing driver event. It also includes mentoring by experienced Shift Commanders.

6.3. *Effectiveness of training*

Generally, frontline staff rarely encounter fleeing driver events, but they present a high degree of risk when they do. Fleeing driver events are more common for dispatchers and Pursuit Controllers. For all staff, effective and recurring training is an important factor in ensuring that they are equipped to make good decisions during these events.

The Review found that gaps in knowledge, or in-depth knowledge, of policy and procedures inevitability influence how the event is managed – and the subsequent outcomes. Effective training should develop and enhance knowledge and skills pivotal to the success of Police and increase staff capability. It should also positively affect staff motivation and commitment (and so productivity).

For these reasons, there is an intrinsic positive correlation between increasing employee capability through training and organisational performance. Training officers to a high standard can also establish a more professional working environment and work to invoke a positive image of the organisation.[114]

The effect of training on attitude cannot be underestimated. As demonstrated throughout the Review, inconsistencies in staff decision-making and tensions between frontline and Comms staff within the control and command structure illustrate how morale decreases when staff are not equipped or enabled to make good decisions.

The lack of awareness about the respective roles and responsibilities and the lack of robust TENR assessments indicates that there are opportunities for strengthening training in this area.

114 Elnaga, Dr. Amir and Amen Imran, "The Effect of Training on Employee Performance", *European Journal of Business and Management 5, 4 (2013): 137-147.*

6.4. *Effectiveness of pursuit commentary*

The Review considered that the quality of commentary by frontline staff is one area where targeted training could improve the overall management of the event and TENR decision-making. As one officer commented:

> *Sometimes the pursuing officers' commentaries don't instil confidence. I believe as a supervisor if I find they are lacking in this, I will team up with the officer and get them to do a mock commentary in the car with me. This helps with their confidence and makes sure they are providing us with all the relevant information needed and point out the importance of continuing applying their TENR assessments.*

Although there is value in generating discussion between different workgroups to understand each other's expectations, it also highlights the value of delivering targeted training for frontline staff. Currently, frontline officers receive no formal communications training, but there is support for it:

> *[Frontline] staff could have more training/practice with commentary and what is required – perhaps them listening as if [they are the] dispatcher to understand better how to give calm commentary.*

> *... how many of these officers have ever been spoken to, to point out what a waste of air time it is? Never to my knowledge. So how do they know or learn if they are not told?*

Training frontline staff in providing quality commentary as part of their PPDP training would have significant flow-on effects in managing fleeing driver events. For example, by reducing non-essential radio traffic during events, which is of concern to some staff.

Improving staff understanding of what critical information to convey is critical to ensuring that the risks are appropriately managed, and that the Police response remains proportionate.

6.5. *Effectiveness of other learning channels*

Although there was broad recognition of the value that formal training could provide, staff also considered less formal learning channels to be important, such as debriefs after the event or line-up discussions focused on practice. These channels allow staff to engage in timely, reflective, and shared conversations about events, draw on the experience of others, and contribute to the knowledge of other staff. These conversations focus on learning, rather than through a punitive lens.

6.5.1. Debriefs

The Review found that debriefs are infrequent, occurring in only 11 (6%) of the Police case studies. However, staff emphasised that opportunities to debrief after fleeing driver events are invaluable, particularly for identifying good and poor practices and proposing improvements:

> *[We should be] debriefing them in an environment that those involved don't feel threatened and to better understand how the events developed and gain an understanding of what lessons learnt can be used to improve.*

> *Supervisors should be sitting down and having a debrief with staff involved as nothing is learnt and there are never any changes.*

Debriefs, whether formal or informal (also known as a "hot" debrief), allow staff to examine their decision-making, and the actions taken during the lifespan of an event in a constructive, participative, and non-incriminating manner. It compares performance to policy, practice, guidelines, and procedures.

Consistent with the principles of "evidence-based policing" and the PHPF, debriefing directly supports the Police's Prevention First strategy by ensuring ongoing improvements to the efficiency and effectiveness of policing.

Staff expressed interest in engaging in more debrief opportunities, particularly with different workgroups. This could include reviewing the available digital material of a fleeing driver event, such as the Redbox recording, NZTA camera footage, or ASU camera recording.

Staff believe that generating discussion between workgroups after the conclusion of selected fleeing driver events would lead to an enhanced understanding of the respective roles, responsibilities, capabilities, and expectations of each respective party and the rationale behind the decisions made. This could help reduce tension between frontline and Comms staff.

Identifying what works well for each group is also of value, so that good performance can be replicated and sustained for the overall improvement of fleeing driver event management. For example, disagreement with Comms' abandonment decision could be mitigated by communicating the reason for abandonment or management decisions in general. As one officer commented:

> *The most helpful thing I've had was a conversation with [the Pursuit Controller] after a previous fleeing driver event. Having an understanding of what he is considering when commanding the fleeing driver event has helped with my decision-making, when either being the primary [or] secondary or trying to get into a position to use spikes and/or stop traffic to ensure public safety.*

Any significant lessons that are identified through a debrief process, including events that both exemplify good or poor performance, should be recorded through the Lessons Learnt database. These are frequently published on the Police intranet to share key lessons with all staff and learn from others' experiences.

Several previous Lessons Learnt have involved fleeing driver events. This has included information on whether following a fleeing driver at road speed constitutes a pursuit, safety when deploying TDDs, cross-district pursuits, and use of force during a fleeing driver event.

6.5.2. Line-up

Line-up, (sometimes referred to as fall-in) occurs at the start of each shift and provides an opportunity for the section to discuss particular areas of policing. Line-up discussion is largely well-received by staff, who indicated that the participative nature generates good discussion about relevant topics:

> *We often discuss it at line-up. In fact, just did the other night shift a few days ago about inquiry phase and spoke about when it's possible to re-engage. Speaking about it often keeps it fresh.*

> *We also did an hour training exercise on ... [the] safe deployment of road spikes.*

Line-up training was used to communicate the changes to the Fleeing Driver policy in 2016 (including the removal of a search phase) and to develop awareness and understanding of the roles and responsibilities of staff during a fleeing driver event. It was designed to be informative only and relied on the facilitators generating further discussion to reinforce learning of the policy's revised sections.

In general, the Review found that line-up training, although important in contributing to, and sharing, a body of knowledge, is not the most effective tool for communicating change to policy and practice. For example, the number of staff continuing to refer to and undertake search phases despite its removal from the policy in 2016 indicates that some changes were not well communicated through line-up training.

No formal evaluation or review has measured either the effectiveness of line-up training or the ongoing need for it.[115]

6.5.3. Online training

Aspects of fleeing driver training, such as the fleeing driver and TDD theory refresher modules, are also delivered online. Frontline officers generally approve of online training about policies and legislation,

115 The Teaching and Learning Group at the RNZPC recognise, and are moving towards, the need to leverage online platforms and

considering it an appropriate forum for transmitting this information.

While this delivery mechanism has its strengths, some staff question whether online learning is effective in enabling staff to be prepared for fleeing driver events. Staff are particularly concerned that online training removes the ability to draw on the knowledge of more experienced officers:

> *I believe we are diluting the knowledge base of the organisation across the board. We learn by doing in the first instance, secondly we learn by the experience of others. This job requires us to experience a situation to learn the most. Unfortunately, this is often in a dangerous or potentially dangerous situation. "Book" or "online" only provides a very thin foundation for our knowledge base in regards to "on the street" situations. It is good for the obvious – learning law, policies, and procedures. We need to get back to some level of face-to-face training with actual trainers. [Field Training Officers] are too busy doing their own job to have "quality" conversations with probationers.*

> *The more we have conversations about how to manage pursuits, the more we will manage them to a successful conclusion. We don't talk about it like we used to when we had district trainers. The reliance on online training is removing the experienced officers passing on knowledge that can only be learned while doing these type of events. Having district trainers facilitating these training sessions and conversations is more important now than ever before.*

Online training, although adequate and appropriate in some cases, should complement rather than replace practical training in all aspects of managing fleeing driver events.

6.6. *Staff experience of training*

The Review found that some staff felt that current training does not fully prepare them for managing fleeing driver events. Staff generally felt that the current training is not as effective as it could be, nor does it reflect the "importance of the fleeing driver events and the consequences of getting it wrong":

> *I don't think Police effectively train staff to participate in these high-stress events.*

> *There is no training for fleeing drivers that is appropriate. The only training you receive is when you're in the actual event.*

Realistically replicating the conditions of a fleeing driver event in a training environment can be difficult, particularly given the varied and unpredictable circumstances of these events. There was general concern about the frequency of training, with driver refresher training occurring only every three years. Additionally, training does not replicate any real-life pressure situations.

This makes it difficult for staff to appreciate the dynamic and high-risk nature of fleeing driving events. The Review noted the need for more visual-based training, such as simulators or video footage, to provide understanding of, and context for, fleeing driver events.

Frontline staff also generally believed that there is not enough driver (including simulator) and TDD refresher training. Most of the recent training they had received consisted of information communicated during line-up. This was contrasted with other mandated tactical options training, such as the use of firearms or TASERs[116].

There were also differing opinions on the level of experience a frontline officer should have before being permitted to engage in a pursuit. Some staff believed that spending more time on a Silver PPDP classification should be a pre-requisite to progressing to a Gold classification. At present, probationary constables who receive their Silver classification during training at the RNZPC are assessed for Gold classification six to 12 months after they graduate. The level of additional driving experience that

technology to provide timely training to frontline staff. An application for all mobility devices is currently being developed to provide distilled information about policy, procedures, and practices for all policing operations. The application is being designed to be used at any time.

116 A TASER is a conducted electrical weapon using an electrical discharge to cause incapacitation through motor skill dysfunction.

probationary constables may accrue during this time can be varied, depending on their role.

As this Review has highlighted, there are several opportunities for improving the training staff receive on managing fleeing driver events. Improving the guidance to staff would undoubtedly translate into improved practices. However, it is important to note that the Review did not identify any issues with general driving practices. Instead, issues relate to TENR decision-making while driving (i.e. the cognitive task).

6.7. *Organisational accountability*

As part of Our Business, Police's vision is "To have the trust and confidence of all". Being able to account for, and justify, actions is an important element of achieving this vision, particularly in the high-risk and public environment in which fleeing driver events usually occur. Good organisation accountability also helps to ensure effective practice and drive ongoing improvement through self-reflection.

At present, the primary accountability process for non-notified fleeing driver events is completing the Fleeing Driver notification form. This form is then approved by the appropriate field/shift supervisor, before undergoing review by the District reviewer nominated by the District Commander.

6.7.1. Effectiveness of the current reporting systems and processes

Fleeing Driver notification form

The Fleeing Driver policy specifies that all staff involved in a fleeing driver event are required to complete part of the Fleeing Driver notification form for the event. These responsibilities include:

- **Pursuit Controller** - completes the "Comms Details" section of the form as soon as practicable after the fleeing driver event has concluded but no later than the end of the shift.
- **Lead vehicle** - the unit that initiatied the pursuit must complete the "Pursuit Details" section of the form by the end of the shift.
- **Field or Shift Supervisor** - ensures that all relevant staff complete the form before the end of the shift, and reviews and approves the form within three days.
- **TDD deploying officer** - completes the "TDD Details" section of the form by the end of the shift.
- **District reviewer** - reviews their District's Fleeing Driver notification forms to ensure compliance with the Fleeing Driver policy within three days of the review request and monitors pursuit activity to identify and manage any health and safety risks, training issues, or lessons learnt.

The Fleeing Driver notification form records a range of information, including:

- date of event, and pursuit start and finish time
- narrative of the event
- names of staff involved and their role
- whether the event was abandoned, and by whom
- details of inquiry phase
- information about TDD deployment
- offender and vehicle details
- whether the event resulted in a crash/death/injury.

The Fleeing Driver policy does not explicitly state the form's exact purpose. The data recorded in the form can help Police identify and analyse trends in fleeing driver events, understand gaps in knowledge,

and identify learning opportunities – such as in the case of this Review. However, whether information is generally used in this way, or to what extent, is unclear.

The form also offers an opportunity for staff to reflect on the event and the decision-making of all those involved. It also provides the organisation with an oversight of staff decision-making. District managers spoken to felt the form held staff to account and provided opportunities for reflective learning. This point was reiterated by some frontline staff, who felt that it moderates their behaviour.

Limitations of the current Fleeing Driver notification form

The Review found that some staff felt that the Fleeing Driver notification form is difficult to use in its current state. This is because it requires too much information, accompanied by sequencing issues and a lack of supervisory oversight in the approvals process. The reporting process for fleeing drivers was considered to be inefficient and could benefit from being simplified and made easier to use.

There was also concern about the high number of outstanding notifications in the database, and the churn of notifications being returned to completing officers for further work.

A further potential issue is that the form does not prompt staff to include information about their TENR risk assessments or decision-making. Rather, staff determine the level and quality of detail in the narrative section. The Review found that the quality of information included in the form varies.

In many cases, staff do include comprehensive accounts of the event, including articulating their continuous risk assessment in line with the TENR model. Other forms contain little information about the event or the decision-making process and essentially provide a summary of the situation reports (sit-reps). For example:

> *Police observed a silver Audi Station wagon in Manurewa. A check conducted via mobility revealed that the vehicle's [redacted] were the previous plates to [redacted], a Silver Audi registered to a male from Wellington. In order to confirm the status of the car, police attempted to stop the vehicle [redacted, in] Manurewa. Police initiated lights and sirens, and the vehicle came to a complete stop on [redacted]. As police got out of their patrol vehicle to approach the vehicle it has accelerated at high speed towards [redacted] a short pursuit has commenced. Police followed the vehicle on [redacted] at a distance the Silver Audi was pulling away throughout the pursuit, Police observed the Audi turn right onto [redacted] by the time police were on [redacted] they could only just see the Audi at a distance. The Silver Audi was last seen on [redacted].*

Similarly to sit-reps communicated over the radio, this sort of narrative can be valuable, but omitting information related to TENR assessments or officer decision-making is not helpful for reporting or accountability. The organisational insight that can be gleaned from these events is limited.

In contrast, Police's Tactical Options Reporting (TOR) form performs a similar function to the fleeing driver notification form, in that it is an electronic form that officers must complete after using a tactical option (such as OC Spray or TASER). The TOR requires a comprehensive report on each tactical option used in an incident, including describing the behaviour an offender demonstrated, other tactical options considered but not used, and the outcome of the tactic.

The TOR also explicitly requires the officer to describe their TENR assessment and any health and safety issues that may have arisen during an event. As a result, a comprehensive account of the incident is collected that includes staff rationale for their actions.

Additionally, because much of the TOR is pre-formatted and has many options available from a drop-down box, it can be filled in relatively quickly despite the density of information it records. A similar approach – that is, prompting staff to include details of their decision-making and TENR assessment – may help improve the Fleeing Driver notification form. Alternatively, incorporating the reporting of fleeing driver events into the TOR reporting structure could also be worthwhile.

The working group also identified several other changes to the Fleeing Driver notification form that would improve the quality of the information collected. For example, the form currently only records data about the offending driver but not about any passengers, unless a passenger is injured. Recording details (including age) about passengers in the offending vehicle would give a more complete picture of the fleeing driver environment – particularly, events involving young people.

There are also opportunities to improve the recording of information about TDD deployment, including the deployment of multiple TDDs and non-successful TDD deployment.

Fleeing Driver notification form review process

Each notification form is reviewed by the initiating officer's supervisor, who must approve the account of the event. The form is then provided for District review, which is carried out by the District Reviewer, who is nominated by the District Commander. The purpose of a District review is to ensure compliance and identify any health and safety risks, training issues, or lessons learnt.

The Review found that the District review process currently appears to predominantly consist of Field Supervisors reviewing the narrative and other information frontline staff provide. There was concern that this process has effectively become a rubber-stamping exercise with little rigour applied to reviewing the events, aside from considering the narrative provided by the lead unit/Comms staff involved. This was particularly apparent to the Review working group, which reviewed all information relating to the event.

The Review also found that Field Supervisors were responsible for approving notification forms when they had not supervised that event:

> *I was not part of the event, other than being the supervisor that the report went through.*
>
> *Not relevant to me – I was only involved in signing off report days later.*
>
> *I had no involvement in the event itself. I was listed as the supervisor to complete the necessary parts of the pursuit notification.*

In such cases, supervisors reviewing the event rely entirely on the narrative staff provide to them in the notification form. The current system depends on staff producing accurate and detailed reports, so that supervisors may carry out as thorough a review as possible despite not being present or involved.

As the policy does not explicitly state the purpose of the notification form, staff may be concerned that it becomes an accountability or disciplinary record. At times, the Review found that notification forms contain more information than was communicated to Comms during the event. It is unclear whether this reflects a perception that staff are required to justify their actions before the form is reviewed, or whether it reflects the speed at which the events unfolded and the prioritisation of information staff communicated at the time.

The Review considers that incorporating an assessment of the Redbox audio recordings as part of the District review process would be valuable. During the Review, the working group gained considerable insight into the case studies by listening to the Redbox audio recordings. This provided an opportunity to assess the quality of the communications between the lead vehicle, Comms, and other units. It also made the variation in narratives between data sources apparent, which would not have been apparent from the notification form alone. For example, in several instances, certain details were communicated by radio to Comms but were not recorded in the notification form, such as an offender speeding through a red light, or vice versa.

The current review process could be significantly improved if supervisors were able to review the audio and/or ASU footage for an event, alongside the information in the notification form. This would also increase opportunities to identify learning opportunities. This is particularly important given the challenge of supervisors reviewing events they are not directly involved in. Further investigation into the feasibility of this option would be beneficial.

A similar practice is already established for TASER use. During the District review of each discharge, TASER cam footage is reviewed alongside the TOR to ensure that the narrative presented in the report fairly reflects what the video shows. An additional layer of review involves forwarding TASER discharges of concern to the TASER Assurance Forum (TAF) for further review. The TAF usually convenes monthly, and its membership draws on representatives from different workgroups. They exercise a quality assurance role, including identifying options to enhance Police TASER training, policy, and practice.

Establishing a pursuit review panel could be similarly beneficial for improving accountability and the overall management of fleeing driver events. The panel could include representatives from Police workgroups, the Authority, and the Police Association. The panel could provide feedback to Police executive on the

management of fleeing driver events and require Districts to report on actions they have taken in response to the panel's findings. This would provide an additional layer of oversight to fleeing driver events and inform improvements to Fleeing Driver policy, processes, and practice.

The Review considers that aligning the management of fleeing driver events with the management of other tactical options, such as firearms and TASER would provide a more consistent whole-of-Police approach to managing risk. This could incorporate reporting requirements into the current TOR requirements, as well as transferring responsibility and ownership of the fleeing driver policy to the Response and Operations Group within Police.

6.7.2. Staff support and accountability

Police produces policies to ensure that staff behaviour aligns with the organisation's strategic direction and the identified best practices that contribute to this. As part of the PHPF, it is vital that staff are given the tools to deliver their mandate, and policy plays an important role in this. However, for some staff, policy is seen as a tool of compliance rather than a mechanism to provide guidance:

> *... the constant change in policy and tweaking has made it so hard to keep track of and, most importantly, to comply with, that we will always get something wrong... we need a much stronger management approach where the blame is pushed back on the people that fail to stop, not the Police for chasing them. If we are to continue pursuing, then we need [to] accept that it is dangerous and can have undesired results, no matter how much policy you have. By all means, assess where we could have done better, but don't use policy to find breaches and lay blame.*
>
> *Approximately three months ago, our section received a policy refresher which felt more like a "telling off" and did not line up with the realities of frontline policing.*

Other staff felt that the current accountability culture did little to support them:

> *I do feel like there is a trend emerging where the Police staff involved in a pursuit may be critically looked upon or even criminally charged for their actions … some staff no longer wish to get in pursuits as they feel that the Police may take action on them if someone is injured.*
>
> *... it feels as though you come under immediate scrutiny by management and professional standards post-pursuit. Not often are we acknowledged for the apprehension of fleeing drivers and how that contributes towards Our Business.*

A cultural shift, as guided by the PHPF, will help ensure that staff do not feel that their performance is immediately measured against strict adherence of policy. Staff can feel empowered through appropriate training, leadership, policy, and procedures to translate policy into good practice and not feel that policy is some obscure mechanism developed arbitrarily by policy makers.

It is argued that, in many cases, adherence to policy and the ability to appropriately translate policy into practice reflects the supervisory influence.[117] This is in line with the PHPF, because leaders set the standards and outcomes staff are enabled to deliver and hold staff accountable accordingly.

6.8. *Findings*

6.8.1. Training

To effectively manage fleeing driver events, it is critical that staff are properly equipped with the skills and knowledge to enable them to do so.

117 Hansen, Andrew J., Jeff Rojek, Scott E. Wolfe, Geoffrey P. Alpert, "The influence of department policy and accountability on officer-involved collisions", *Policing: An International Journal of Police Strategies & Management 38, 3 (2015): 582.*

The Review found several areas where improved knowledge and skills would potentially lead to more effective management of pursuits, including the understanding and application of TENR during a pursuit. This includes improving frontline commentary during pursuits, increasing understanding of the inquiry phase, and, as already identified, generally increasing the awareness of frontline and Comms staff of the respective roles and work environments. Of note, the Review did not find the standard of Police driving during fleeing driver events to be an issue. However the review recommends that improvements to both initial training for recruits and PPDP Gold Classification assessment will help ensure officers are effectively equipped and enabled to manage fleeing driver events safely.

Although "training" is traditionally understood in terms of formal training delivered to staff, a variety of knowledge transfer channels can be used. These range from line-up training, on-the-job training, and post-incident debriefs, to more formal mechanisms, such as simulators, online training modules, or classroom-based training.

Less formal channels can complement more traditional training and provide staff with additional opportunities to engage in timely, reflective, and shared conversations about fleeing driver events. Understanding the effectiveness of these different channels for delivering the required skills and knowledge to staff is important, particularly given the resource pressures on traditional channels.

It must also be recognised that on-the-job training continues to be an important learning mechanism for staff. Using already available resources such as Redbox recordings, NZTA camera footage, or ASU camera recordings of events could be an invaluable teaching tool.

The role of non-commissioned officers and more experienced staff in mentoring, modelling, and providing on-the-job training to less experienced staff should not be overlooked. Finding ways to incorporate informal training into the everyday is one way of addressing organisational needs in a more efficient and timely manner – rather than waiting for staff to complete formal training programmes.

6.8.2. Organisational accountability

The primary accountability process for fleeing driver events is the requirement for staff to complete a Fleeing Driver notification form. It is unclear how this information is used beyond basic reporting purposes. Although the process includes a district review, it is clear from this Review that this has effectively become a rubber-stamping exercise for many. There appears to be little rigour applied to reviewing the events, aside from considering the narrative provided by the lead unit/Comms staff involved.

In contrast, after every TASER use, staff must complete a TOR, which is then submitted to district reviewers for consideration. The supervisors/managers must review the TASERCAM footage, to ensure that the narrative as presented in the report fairly reflects what is captured on the video. The Review considers there would be value in aligning fleeing driver reporting and review requirements to the requirements for other tactical options, as well as transferring responsibility and ownership of the fleeing driver policy to Response and Operations Group.

During the reviews of the individual case studies, the working group obtained valuable insight into events by reviewing the audio recordings of radio communications from each event. Through listening to these recordings, the working group was able to identify issues that were not evident in the reports.

Consequently, reviewing the recordings played an important check and balance role by ensuring that risks and issues were appropriately identified, and any discrepancies were easily identified. However, in their current format, the audio recordings are not readily accessible, so the information technology infrastructure would need to be improved to support accessibility.

The benefit of being able to draw on independent information is that it can facilitate more effective reporting. The Review found that the level and nature of detail provided in the form's narratives varied considerably. For some forms, staff provide only a one or two-sentence narrative that gives no context to the event, fails to reflect their decision-making process, and provides little value to the reviewers or to ensuring effective reflections on practice. Whether this is because staff perceive the form to be an accountability process that could be used against them or for some other reason is unclear.

The Review also felt that it would be beneficial to establish a national panel to review pursuits, along similar lines to the TAF. This would provide a further level of oversight and enable any issues or developing trends

to be monitored. Given the number of pursuits each year, the Panel would only be able to review a defined sample of these.

There is also an opportunity to clarify what the primary purpose of requiring staff to complete the form is – whether it is for strictly reporting general statistics, for providing organisational oversight of staff decision-making, or for disciplinary purposes. Providing clarity to staff about how this information will be used may improve staff buy-in for completing the forms and motivate them to complete the forms in a more satisfactory and consistent manner. At the same time, there is an opportunity to review the form to ensure that the right information is being recorded to facilitate the effective management of events.

7

Conclusion

7. Conclusion

Fleeing driver events are particularly challenging for Police, given the need to carefully balance public safety with apprehending offenders. Fleeing driver events are high risk, fast paced and spontaneous events, which can evolve rapidly and require ongoing and often rapid decision making. Not only do staff have to focus on the task of controlling a Police vehicle under sometimes challenging conditions, but they must do this while also considering multiple and changeable risks, as well as providing ongoing communication with the Communications Centre and other units. As these events pose a high risk to all road users, it is essential that Police manages them effectively and safely. This includes ensuring that staff have the necessary skills, experience, and knowledge. This is particularly important given that the number of fleeing driver events continues to increase each year.

The Review has provided Police and the Authority with a valuable opportunity to collaboratively examine fleeing driver events in New Zealand. By considering a sample of fleeing driver events, the Review has been able to consider issues at a holistic rather than individual event level. This has provided a deeper appreciation of the complexity of fleeing driver events and the challenges of effectively managing them. It has also provided an important touch point for understanding how well the Fleeing Driver policy is currently embedded in practice.

The terms of reference of the Review did not include a reassessment of the principles underpinning the Police Fleeing Driver policy. These principles remain fit for purpose and continue to provide clear guidance to staff about how to effectively manage fleeing driver events and the principles that should underpin their decisions and actions.

7.1. *Review findings*

In considering the essential elements of effectively managing fleeing driver events, the Review found that a thorough understanding and application of the Police risk assessment tool, TENR, is central to ensuring good decision-making. Other themes to emerge involved the effectiveness of the control and command model, event resolution, and training and accountability processes.

7.1.1. Understanding and applying risk assessments

In summary the Review found that although staff have a basic understanding of the TENR principles, there is inconsistent practical application of the TENR risk assessment tool during fleeing driver events. Improving staff understanding of the TENR framework will undoubtedly improve its application in practice. Overwhelmingly, the Review considered that ensuring that staff carry out robust and continuous risk assessments throughout all four stages of the event (pre-initiation, initiation, continuation, and resolution) is critical for ensuring that the Police response remains proportional to the threat posed by the fleeing driver.

This was well evidenced by the radio commentary of pursuing units, which predominantly consist of situational reports delivered in an almost automated manner. Although this information is useful for coordinating support units and deploying tactical options, staff often demonstrate a lack of understanding of how these environmental factors need to be considered as part of the overall risk assessment. For example, reporting traffic flows and vehicle speeds does not equate to demonstrating an understanding of how both these factors influence all road users' exposure to risk.

Some staff demonstrated a good understanding of applying the TENR risk assessment, and are attuned to opportunities to prevent the need for a pursuit. These staff demonstrated a good awareness of the threat posed by the offender, including through the active commission of offences, and the need to intervene. These staff consider the proportionality of the response in terms of the need to stop the offender, and they balance this need against the risk associated with pursuing the offending vehicle.

However, other staff seem to lack an understanding of the need to balance the threat with the necessity to pursue, alongside the need to conduct continuous risk assessments throughout the event. Some staff

justify initiating a pursuit because the driver's failure to stop must indicate a reason, even if that reason is not evident. Although the Fleeing Driver policy does not have a threshold for initiating a pursuit, the policy clearly emphasises that a failure to stop is not enough reason for pursuing in and of itself.

The Review also found that there is a need to increase the extent of reassessment of the need to pursue the vehicle throughout the event. This is particularly evident in officers deciding to continue to pursue on the basis that the offender's behaviour and/or environmental conditions are escalating the threat, rather than considering abandoning the pursuit because the threat to other road users has become unacceptably high. This is not managing risk well, and these pursuits could be abandoned earlier. These decisions are more significant if the initial reason for pursuing is not well established or is based on a low-level offence.

While staff perceive pursuing a fleeing vehicle as managing the risk to the public, staff need to be more conscious of the potential that pursuing the fleeing vehicle may actually increase the risk to all road users. This threat can be increased through the sheer number of vehicles travelling at speed, or in terms of the effect of a Police presence on the fleeing driver's behaviour.

Although the practice of abandonment continues to increase, more effective risk assessments before initiation and throughout pursuits, and greater staff appreciation of the risks, will undoubtedly decrease the overall number of pursuits and increase the rate of abandonments.

7.1.2. Officer mind-set influences the management of risk

In summary, the Review considered that an officer's mind-set is strongly determinative of how effectively TENR is applied in practice - that is, whether officers adopt a risk-averse or risk-tolerant approach to managing fleeing driver events.

Although officers are empowered to exercise their own professional judgment in determining how to respond to a fleeing driver, Police's restrictive policy approach provides clear direction about how officers should exercise this discretion. For example, the Fleeing Driver policy clearly states that officers must prioritise staff and public safety over immediately apprehending the fleeing driver.

However, the Review found that the way that officers translate this guidance into practice using the TENR framework depends heavily on individual approaches to risk management. In an environment where risk is a constant variable, it is inevitable that officers will assess and manage risk according to their own frame of reference. This means that some officers may manage risk more proactively, while others may have a greater tolerance for risk. Therefore, ensuring that staff can adequately identify and consider the risks, both before and during pursuits, is critical for ensuring that responses are well considered and necessary, and remain proportionate to the threat being addressed. Similarly, ensuring that the training effectively reinforces a risk averse approach to managing fleeing driver events is important.

7.1.3. Robust control and command processes provide an important role in managing fleeing driver events

In summary, the Review has found that the current control and command model, where Comms has ultimate management and oversight of a fleeing driver event, remains sound. Improving staff understanding of the respective roles that all parties play during an event, as well as enhancing the flow of information between all parties, would enhance the effectiveness of this control and command model.

Managing a fleeing driver event often involves decision-making carried out by various individuals, ranging from the lead Police driver, Field Supervisors, dispatchers, and Pursuit Controllers. Each party plays an important role for ensuring that decision-making is robust and that risk is effectively managed.

Although the lead driver normally decides whether to pursue a fleeing driver, Comms staff have an important role in providing objective oversight and management of the event. This is particularly important given the high adrenaline nature of fleeing driver events, where frontline units are often confronted with multiple and sometimes competing mental tasks. Overall, safely resolving a fleeing driver event represents a joint exercise between frontline and Comms staff, with each party playing a crucial role in the collective understanding and management of risks throughout the event.

However, the effectiveness of this control and command process depends largely on all parties working collectively and constructively. As fleeing driver events evolve quickly, control and command relies heavily on the effective and efficient transfer of the right information at the right time. The Review has identified opportunities to strengthen this information sharing. For example, enhancing staff understanding of what information needs to be communicated to Comms, improving the understanding and application of TENR risk assessment framework, and increasing staff awareness of the respective roles and responsibilities. The Review considers that by improving both the quantity and quality of information provided by frontline staff, this will enhance the effectiveness of Comms decision-making, while also addressing the cause of broader underlying tensions in the collective decision-making model.

The current control and command model devolves decision-making across these roles. The lead unit, Field Supervisors, or Pursuit Controllers can all decide to abandon a pursuit. The Review found that some staff do not support this decision-making model and strongly believe that abandonment decisions should ultimately rest with frontline staff.

Consequently, Comms abandonment decisions can create tensions in the relationship, especially when the reasons for these decisions are not explained to the staff involved. In practice, this can result in staff carrying out activities after a pursuit has been abandoned outside of the control and command of Comms staff, in ways not entirely consistent with policy principles.

7.1.4. There are limited means of resolving events

In summary, the Review found that limited staff engagement in inquiries and investigations reduces offender accountability.

Pursuits are resolved in only limited ways: either the offending vehicle stops voluntarily or involuntarily, or the pursuit is abandoned. Although the best-case scenario involves the offending vehicle stopping of its own accord, staff can employ a limited number of tactical options, such as TDDs, to help stop the vehicle involuntarily.

The effectiveness or otherwise of these tactical options depends on a range of factors, such as the availability of equipment, staff being suitably trained and confident in using the equipment, staff being able to anticipate potential escape routes, and time, place, and circumstances, including the type of vehicle being pursued.

The Review has indicated opportunities to explore technological options for disabling or remotely tracking offending vehicles, as well as for improving the overall management of events. Although the Review has suggested Police explore other tactics, such as non-compliant vehicle stops in some circumstances, the costs and benefits of these must be carefully considered.

The Review found that there is clearly significant value in being able to use the Air Support Unit (ASU) to minimise some of the risk that pursuits present to all road users. This tactical option allows the offending vehicle to be passively tracked. This negates the need for units to actively pursue, which inevitably places pressure on offending vehicles to engage in high-risk behaviour to evade apprehension. The ASU can coordinate and position units following the offending vehicle at a distance to intervene in lower-risk circumstances – for example, when the offending vehicle stops and the offender(s) leave the vehicle.

Nevertheless, the Review found that the role of the ASU in the control and command structure needs to be clarified, particularly in terms of managing events after a pursuit has been abandoned. This clarity would improve the overall management of events involving the ASU would likely identify opportunities to more effectively use the ASU to manage events.

The Fleeing Driver policy clearly emphasises that, wherever possible, an inquiry phase should be the preferred method for holding offenders accountable, rather than through a pursuit. However, the Review found that staff engagement with the inquiry phase is fairly limited. Although the Review found some examples of good practice and investigations leading to the apprehension of offenders after the event, such practices are not widespread. However, the Review did find widespread engagement in search-related activities, such as units actively searching for offending vehicles through Urgent Duty Driving (UDD).

The continued engagement in a search phase is problematic on several fronts. The search phase was removed from the policy in 2016, in recognition of the continued risk posed by actively searching for offenders after a pursuit has been abandoned. Continued engagement in search phases creates the

potential for staff to continue to actively (albeit remotely) search for the offending vehicle without the benefit of lights and sirens, and without the benefit of Comms oversight. This in turn creates opportunities for officers to re-engage with offending vehicles without the appropriate reauthorisation.

7.1.5. Fleeing driver accountability processes should be strengthened

In summary, the Review has identified opportunities to strengthen fleeing driver accountability processes.

Fleeing driver events continue to be one of the highest-risk activities that Police engage in. Given that deaths or serious injuries are significantly more likely during pursuits than during many other Police responses (except for firearms), having sufficient oversight of these activities is important.

Although Police and the Authority have robust oversight of events when they lead to poor outcomes – such as serious injury or death – it must be recognised that the potential for harm is present in a significant number of events.

The Review found that Police's accountability processes for fleeing driver events has considerable scope for improvement. Currently, the only obligation for staff after a pursuit is to complete a Fleeing Driver notification form, which records a range of information about the event. This form is then reviewed by the officer's supervisor (who may or may not have been present during the event) and a district reviewer.

In practice, these completed forms provide insufficient information to enable a robust review process. The Review found that this review process is often superficial and provides little organisational accountability for decision-making. More importantly, this lack of accountability reduces learning opportunities for the organisation.

This low level of accountability is also evident after the conclusion of a pursuit. Unlike Police responses to other types of crimes, staff are not required to create a case file, enter information into the NIA, or carry out follow-up inquiries. As such, the event "ends" when the pursuit ends, when, in practice, the pursuit is merely a core component of the overall fleeing driver event. The identification of only 91 offenders from the 191 Police cases considered by the Review indicates opportunities to improve offender accountability.

Furthermore, because the rate of abandonment is increasing, staff carrying out inquiries after a pursuit is important for holding offenders to account after the fact to the greatest extent possible. Introducing a change in practice that requires a file to be created in NIA, as well as the lead unit undertaking inquiries, will place greater emphasis on holding offenders to account.

The Review considers that strengthening accountability processes, including establishing a national panel to review selected fleeing driver events, would better enable staff to carry out inquiries after a pursuit and better position the organisation as a whole to identify and address issues with how fleeing driver events are managed.

7.1.6. Staff need adequate training to effectively manage risk

In summary, the Review found that the training provided under the PPDP classification scheme requires review. This training needs to deliver greater focus on the understanding and application of TENR during fleeing driver events, as well as the practical driving component.

Engaging in pursuits is a complex activity. It involves staff having to sometimes make split-second decisions while balancing a high cognitive workload and physically controlling the vehicle. As the risk and cost of something going wrong is high, ensuring that staff can effectively manage these competing demands is critical.

Training is one of the key ways of enabling staff to understand and apply risk assessments, learn how to operate a vehicle at high speeds, and automate some of the mental task involved in pursuing vehicles. However, other less-formal channels of learning are equally important, particularly given that formal training will always be limited by time and resources. Debriefs after the event are one important way of imparting these lessons in a timely manner and could be embedded as part of business as usual. The success or otherwise of achieving this depends heavily on supervisors recognising the important opportunity that they present.

How people will react to stress is an unknown quantity and, consequently, why stress response training is so important. The Review found that, although there are no issues with the general standard of driving, staff do not receive the same level of training on managing fleeing driver events as they do for other tactical options, such as TASER or firearms. This is despite pursuits accounting for the most deaths and serious injuries and so being the highest-risk activity for staff generally.

Given the issues the Review identified, there is an important opportunity to improve both the quantity and quality of fleeing driver training. In particular, the value of scenario-based training or the use of simulator training for guiding staff to effectively manage the high-stress environment of pursuits should be explored. Similarly, there would be value in identifying opportunities to expose staff to different work environments to help improve understanding of the respective roles, responsibilities, and workplace pressures

Finally, there is a need to better understand whether the PPDP classification system is fit for purpose. In a context where some of the organisation's least experienced staff could find themselves pursuing offenders in a high-risk, dynamic, and complex environment, there is a question about whether staff are enabled to manage this risk effectively. It is equally clear that there is room for even some of the most experienced staff to improve.

7.1.7. Improving our understanding of who fleeing drivers are

In summary, the Review has indicated an important opportunity to improve understanding of fleeing drivers and their motivations to flee from Police.

A key aspect to improving how fleeing driver events are managed is to improve our understanding of who flees and for what reasons. The Review has helped further our understanding of offending drivers by carrying out a limited snapshot analysis of offenders identified in the Police sample and Authority cases. This has been important for dispelling any myths that fleeing drivers are less serious offenders because their offending is often characterised as low level or merely traffic offending.

Rather, the Review's analysis has indicated that fleeing from Police is often characteristic of a broader pattern of criminal offending, with a large proportion of these drivers having significant criminal histories as well as no valid driver licence. Further research into offender behaviour – in particular, about the reasons why some drivers decide to flee – could help further our understanding about how to respond more effectively to these offenders and how to prevent offending from occurring in the first place.

7.1.8. Police is committed to continuous improvement

In the past few years, Police and the Authority have published several reports on fleeing driver events. Each report identified ways to improve Police's fleeing driver policies, procedures, and processes. As the number of fleeing driver events in New Zealand increases, there continues to be a need for Police to regularly reflect on how it manages these events to ensure that practices remain fit for purpose.

At present, Police abandons more than half of all fleeing driver events, which is more than double the proportion of 10 years ago. Although this indicates a significant and positive shift in practice, there are ongoing opportunities to improve the management of fleeing driver events. One in six events still result in a crash, and people are still being killed and seriously injured during these events.

Police's mission is for New Zealand to be the world's safest county. This includes ensuring that the public are safe while using New Zealand's roads. When a driver decides to flee from Police rather than stop when lawfully required, they place themselves, their passengers, other road users, and Police staff at risk. In responding to this risk, it is essential that Police staff are thoroughly prepared and supported to safely resolve the incident, carefully balancing maintenance of the law with maintaining public safety.

7.1.9. Next steps

The Review makes eight high level recommendations to address the significant issues identified by the Review. These recommendations are underpinned by a detailed action plan, which sets out the specific work that will be undertaken to implement those recommendations. The Authority will monitor the progress of implementation as part of the Authority's general role overseeing recommendations made to Police. Police will provide updates on implementation to the Authority every three months.

8

Recommendations

8. Recommendations

Based on its findings, the Review has made eight high level recommendations to improve Police's management of fleeing driver events. More detail can be found in the Action Plan.

Recommendation	High level action
1. Police will review the Police Professional Driver Programme (PPDP), including current driver classification systems, to identify opportunities for improving staff understanding and application of TENR during fleeing driver events	Review PPDP to ensure it is fit for purpose for enabling staff to effectively manage fleeing driver events.
2. Police will improve the skills, knowledge, and experience of all staff involved in fleeing driver events, through different learning channels, to enable robust decision-making and support the effective management of events.	Enhance the quality and quantity of training to improve staff management of fleeing driver events.
3. Police will review the Fleeing Driver policy against the findings of the Review and make any necessary adjustments to the policy and standard operating procedures to ensure that they remain fit for purpose and support the effective management of fleeing driver events.	Ensure the policy is fit for purpose in light of the Review's findings.
4. Police will investigate allowing units to carry out a non-compliant vehicle stop on offending vehicles that have been successfully spiked and are travelling at low speeds, to mitigate risks and improve the safe resolution of fleeing driver events.	Investigate introduction of limited non-compliant vehicle stops.
5. Police will strengthen the accountability mechanisms of fleeing driver events, including improvements to post-event follow-up, and district review and national oversight processes.	Strengthen oversight of fleeing driver events. Improve post-event accountability processes.
6. Police will review the Air Support Unit's (Eagle) involvement in the management of fleeing driver events and clarify the role that they play if necessary	Review role of Air Support Unit during fleeing driver events.
7. Police will explore ways of improving Communication Centre's access to real-time information, including through the potential adoption of new technology, in partnership with our sector partners.	Identify and explore opportunities to use technology to enhance the management of fleeing driver events.
8. Police will commission further research and analysis of fleeing drivers to improve our understanding of drivers' motivations for fleeing, including a focus on young people and alcohol/drug impaired drivers.	Improve understanding of fleeing driver offenders.

POLICE ACTION PLAN 2019

Recommendation	High level action	Scope	Lead Workgroup	Supporting work groups	Indicative timeframe
1. Police will review the Police Professional Driver Programme (PPDP), including current driver classification systems, to identify opportunities for improving staff understanding and application of TENR during fleeing driver events	**Review PPDP to ensure it is fit for purpose for enabling staff to effectively manage fleeing driver events.**	1.1. Review TENR and fleeing driver components of recruit driver training, specifically whether it adequately addresses decision-making under pressure, communication requirements and protocols, reporting requirements 1.2. Review TENR component of PPDP reassessment programme 1.3. Review PPDP silver/gold driver classification and whether it is fit-for-purpose for enabling staff to safely and effectively pursue fleeing drivers	RNZPC	• Response and Operations • National Road Policing Centre • Districts	October 2020
2. Police will improve the skills, knowledge and experience of all staff involved in fleeing driver events, through different learning channels, to enable robust decision-making and support the effective management of events.	**Enhance the quality and quantity of training to improve staff management of fleeing driver events**	2.1. Provide more extensive fleeing driver event training with a specific focus on: risk assessment and decision-making, pursuit commentary and radio discipline, TDD use, and inquiry phase. 2.2. Explore the relative delivery effectiveness and efficiency of different learning channels – for example, refresher training, line-ups, debriefs, review of footage from Air Support Unit. Increase the use of scenario-based training. 2.3. Develop TENR training scenarios, including Comms Centre scenario and roles for frontline staff. 2.4. Investigate the feasibility of introducing simulator training. 2.5. Investigate opportunities for Comms and frontline staff to get on-the-job experience of the other's role 2.6. Enhance Comms training and frequency for dispatchers and pursuit controllers to improve understanding of frontline roles, responsibilities and decision-making during events. 2.7. Strengthen TDD training, and identify opportunities for ensuring staff are confident and competent in using the devices. 2.8. Develop best practice for use of TDDs, drawing on international practice and experience	RNZPC	• Comms • Air Support Unit • Response and Operations • National Road Policing Centre • Districts	October 2020
3. Police will review the policy against the findings of the Review and make any necessary adjustments to the fleeing driver policy and standard operating procedures to ensure that they remain fit-for-purpose, and support the effective management of fleeing driver events.	**Ensure the policy is fit-for-purpose in light of the Review findings**	3.1. Create a new pursuit warning given by the dispatcher at the commencement of a fleeing driver event, based on the TENR risk assessment framework, with specific standardised questions which address threat and the necessity to pursue. 3.2. Assess the proposal to empower dispatchers to direct abandonment of a fleeing driver event up until the point at which the Pursuit Controller takes command of the event. 3.3. Specify that a one-person unit should be replaced by a two-person unit as soon as practical to facilitate sharing of the mental task (driving and communication) 3.4. Confirm that District Command Centres have no command over fleeing driver events. 3.5. Require the person abandoning a fleeing driver event to broadcast to all units their reason for abandonment.	Response and Operations	• Comms • Response and Operations • National Road Policing Centre • Districts	July 2019

4. Police will investigate allowing units to undertake a non-compliant vehicle stop on offending vehicles that have been successfully spiked and are travelling at low speeds, to mitigate risks and improve the safe resolution of fleeing driver events.	**Investigate introduction of limited non-compliant vehicle stops**	4.1. Undertake a review of international current practice for non-compliant vehicle stops for fleeing vehicles with deflated tyre(s) 4.2. Assess the feasibility of introducing this option, including the costs, benefits, risks and training implications	Policy and Partnerships	• Response and Operations • National Road Policing Centre • Police Professional Conduct • RNZPC • Districts • Fleet	October 2019
5. Police will strengthen the accountability mechanisms of fleeing driver events, including improvements to post-event follow up, district review, and national oversight processes.	**Strengthen oversight of fleeing driver events.** **Improve post-event accountability processes**	5.1. Create a new CARD/NIA event code for a fleeing driver event 5.2. Introduce a requirement for officers to result the event as reported (K6) or arrest (K9), record the event in NIA and complete follow-up inquiries if appropriate 5.3. Review the current fleeing driver notification form to ensure it remains fit-for-purpose. Enable the recording of additional event characteristics in the event notification, such as passenger details, the number of TDDs deployed (and their effectiveness), and the NIA file number. 5.4. Assess the benefits of transferring the fleeing driver policy to Response and Operations group, to ensure alignment and consistency with the tactical options accountability framework. 5.5. Assess the benefits of incorporating the fleeing driver notification form into the tactical options reporting database 5.6. Assess the feasibility of introducing the ability for District Reviewers to review the Comms audio recording as part of their review process. 5.7. Establish a mechanism for national oversight of fleeing driver events.	Response and Operations	• National Road Policing Centre • IT • NIA reference group	October 2020
6. Police will review the Air Support Unit's (Eagle) involvement in the management of fleeing driver events, and clarify the role that they play if necessary	**Review role of Air Support Unit during fleeing driver events**	6.1. Review the current role of Air Support Unit in the command and control structure 6.2. Identify opportunities where the role of the Air Support Unit could be formally extended – for example, empowering authorised follows.	Policy and Partnerships	• Air Support Unit • Districts • Response and Operations • National Road Policing Centre	July 2019
7. Police will explore ways of improving Communication Centre's access to real-time information, including through the potential adoption of new technology, and in partnership with our sector partners.	**Identify and explore opportunities to use technology to enhance the management of fleeing driver events.**	7.1. Identify opportunities to livestream external CCTV footage into Comms Centres 7.2. Explore the option of upgrading the down-link technology on the Air Support Unit to reduce current delays in video signals to Comms Centre. 7.3. Investigate the use of location technology for National Communications incident resource deployment and management during events. 7.4. Investigate the availability of additional technology that could help strengthen the management of fleeing driver events (e.g. dash cameras)	Road Policing Partnership	• Comms • Other work groups to be identified	October 2019
8. Police will commission further research and analysis of fleeing drivers to improve our understanding of drivers' motivations for fleeing, including a focus on young people and alcohol/drug impaired drivers.	**Improve understanding of fleeing driver offenders.**	8.1. Commission research provider to undertake research/behavioural insights work, looking at the behaviours/motivations of specific cohorts of fleeing drivers – including young people, and those with drug, alcohol and/or mental health issues; 8.2. Improve the use of post-event interviews with fleeing drivers	Evidence-Based Policing Centre Districts	• Other work groups to be identified	October 2020

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10

Appendices

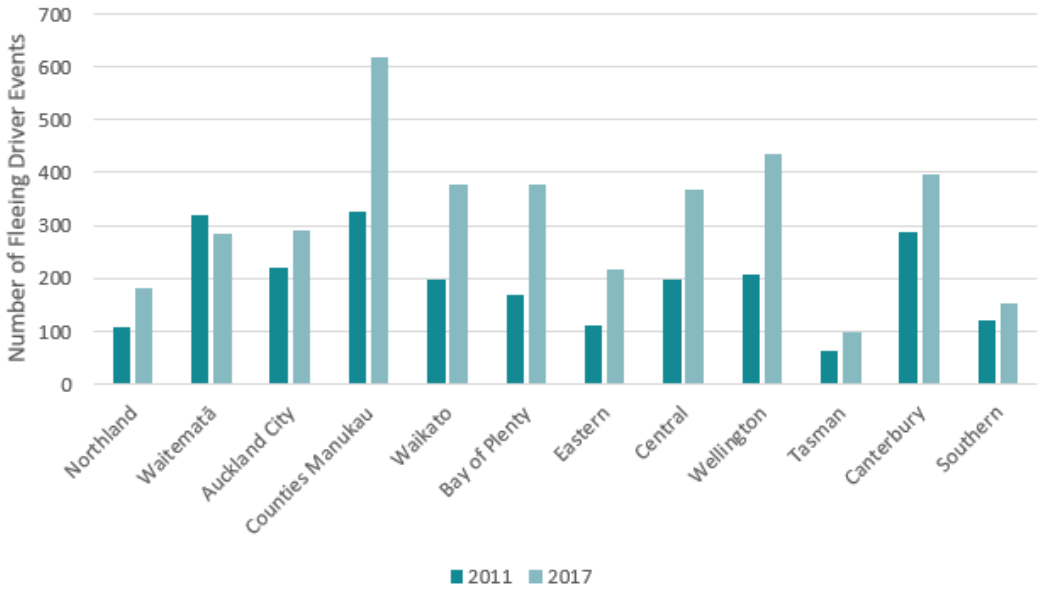
10. Appendices

10.1. *Appendix 1: Additional fleeing driver data tables*

Counties Manukau District recorded the most fleeing driver events (618) in 2017, representing an increase of 89% since 2011. The Bay of Plenty (up 123% to 378), Central (up 85% to 367), Waikato (up 90% to 376), and Wellington Districts (up 110% to 436) also experienced sharp rises during this period.

The only district that saw a drop in fleeing driver events since 2011 was Waitematā, which experienced 12% fewer events in 2017. As a result, and despite Counties Manukau's sharp rise in events, the combined Auckland districts of Waitematā, Auckland City, and Counties Manukau had a smaller proportion of the nation's fleeing driver events in 2017 (31%) compared with 2011 (37%).

Figure 19: Total fleeing driver events by district – 2011 and 2017



In the Police sample and Authority cases, most fleeing driver events were resolved (either the offender is apprehended or event abandoned) within five kilometres, with about a quarter being resolved before the first kilometre, and half before the third.

Figure 20: Fleeing driver event distance – Police sample and Authority cases

	Police sample		Authority cases	
Pursuit length (km)	**Number of events**	**Percentage of sample**	**Number of events**	**Percentage of cases**
0-1	49	25.7%	18	23.4%
>1-2	30	15.7%	16	20.8%
>2-3	25	13.1%	4	5.2%
>3-4	9	4.7%	6	7.8%
>4-5	15	7.9%	4	5.2%
>5-10	36	18.8%	9	11.7%
>10-15	11	5.8%	5	6.5%
>15-20	0	0.0%	7	9.1%
>20-25	5	2.6%	2	2.6%
>25-30	0	0.0%		0.0%
>30-35	4	2.1%	1	1.3%
>35-40	1	0.5%	1	1.3%
>40-45	1	0.5%	0	0.0%
>45-50	0	0.0%	0	0.0%
50+	2	1.0%	2	2.6%
Unrecorded	3	1.6%	2	2.6%
Total	**191**	**100%**	**77**	**100%**

In both data-sets, offenders were most likely to be identified at the end of the pursuit after they had been arrested, with very few offenders being identified during the pursuit. In the Police sample, a much higher proportion of offenders were never identified compared with the Authority cases, where the offender was identified in nearly every event.

Figure 21: Time at which offender identified – Police sample

Police sample	Vehicle recorded stolen		
Offender identified	**No**	**Yes**	**Total**
During pursuit	7	1	8
End of pursuit following enquiries	13	3	16
End of pursuit with arrest	70	21	91
Never known/not recorded	62[118]	14	76
Total	**152**	**39**	**191**

Figure 22: Time at which offender identified – Authority cases

Authority sample	Vehicle recorded stolen		
Offender identified	**No**	**Yes**	**Total**
During pursuit	4	1	5
End of pursuit following enquiries	20	4	24
End of pursuit with arrest	26	13	39
Never known	6	2	8
Total	**57**	**20**	**77**

118 For two events, information about whether the offender was identified or the vehicle was recorded stolen as not recorded.

10.2. *Appendix 2: Demographic and offender history data*

	Police sample	Authority cases
Gender – % male offenders	95%	97%
Median age	24	26
% Māori	59%	65%
% European	31%	26%
Classification – No history	13%	13%
Classification – Low level	36%	19%
Classification – Active	24%	25%
Classification – Serious and persistent	26%	43%
Prison history	49%	57%
History of family harm	79%	79%
Evidence of alcohol/drug abuse	56%	62%
Gang history	30%	31%
Mental health history	16%	24%
On active charges at time of pursuit	25%	37%
WTA/Wanted to arrest	18%	16%
No current driver licence	65%	68%
At least one previous FTS conviction	31%	40%
Most serious conviction is burglary/robbery/dishonesty offence	42%	60%

10.3. *Appendix 3: Offender previous convictions*

Previous conviction analysis – Number of offenders who had at least a conviction for…

Police sample	Number of convictions					
Offence	**1-3**	**4-6**	**7-9**	**10+**	**Total**	**None**
Assault	29	12	2	3	46	45
Robbery	13	0	0	0	13	78
Burglary	25	4	4	4	37	54
Theft	15	13	10	11	49	42
Drugs	23	2	1	5	31	60
Fraud	8	3	2	0	13	78
Disorder	29	7	1	0	37	54
Justice	15	11	13	15	54	37
Driver licence breaches	28	11	5	8	52	39
EBA	39	6	1	0	46	45

Authority cases	Number of convictions					
Offence	**1-3**	**4-6**	**7-9**	**10+**	**Total**	**None**
Assault	18	6	7	11	42	26
Robbery	15	1	0	1	17	51
Burglary	22	7	2	6	37	31
Theft	12	8	8	15	43	25
Drugs	18	3	4	5	30	38
Fraud	8	4	0	1	13	55
Disorder	19	10	3	2	34	34
Justice	12	9	5	20	46	22
Driver licence breaches	14	12	7	6	39	29
EBA	24	7	3	0	34	34

10.4. *Appendix 4: Summary of penalties for a failing to stop offence in New Zealand, Australia, and the United Kingdom*

Jurisdiction

Penalties

Northern Territory[119][120]	Maximum imprisonment	Maximum fine	Other provisions
First offence	2 years	20 PU[121] ($3080 AUD)	Disqualification from holding or obtaining a licence for 6 months.
Second or subsequent offence	2 years	20 PU ($3080 AUD)	Disqualification from holding or obtaining a licence for 12 months.

Queensland[122]	Maximum imprisonment	Maximum fine	Other provisions
All offences	3 years	200 PU ($25,230 AUD)	Disqualification from holding or obtaining a licence for 2 years.

New South Wales[123]	Maximum imprisonment	Maximum fine	Other provisions
First offence	3 years	N/A	
Second or subsequent offence	5 years	N/A	

Victoria[124]	Maximum imprisonment	Maximum fine	Other provisions
First offence	6 months	60 PU ($9,514.20 AUD)	Disqualification from holding or obtaining a licence for 6 months.
Second or subsequent offence	12 months	120 PU ($19,028.40 AUD)	Disqualification from holding or obtaining a licence for 12 months.

119 In Northern Territory, failing is stop is considered to be a dangerous driving charge.

120 Traffic Act (NT), ss 30, 30A.

121 In Australian law, a Penalty Unit (PU) is an amount of money used to calculate pecuniary penalties for many breaches of statute. Fines are calculated by multiplying the value of one PU by the number of PU prescribed for the offence. Across the jurisdictions, PUs range from $50 to $210 AUD.

122 Police Powers and Responsibilities Act 2000 (QLD), s 754

123 Crimes Act 1900 (NSW), s 51B.

124 Road Safety Act 1986 (VIC), s 64A.

Jurisdiction | Penalties

South Australia[125]	Maximum imprisonment	Maximum fine	Other provisions
All offences	N/A	$5000 AUD	

Tasmania[126]	Maximum imprisonment	Maximum fine	Other provisions
First offence	2 years	100 PU ($15,900 AUD)	
Second offence	3 years	100 PU ($15,900 AUD)	
Third or subsequent offence	4 years	100 PU ($15,900 AUD)	

Western Australia[127]	Maximum imprisonment	Maximum fine	Other provisions
All offences	2 years	100 PU (minimum) ($5000 AUD)	Disqualification from holding or obtaining a licence for 2 years.

Australia Capital Territory[128]	Maximum imprisonment	Maximum fine	Other provisions
First offence	12 months	100 PU ($21,000 AUD)	
Second or subsequent offence	3 years	300 PU ($63,000 AUD)	

United Kingdom[129]	Maximum imprisonment	Maximum fine	Other provisions
All offences	N/A	£5000	

125 Road Traffic Act 1961 (SA), s 40H.
126 Police Powers (Vehicle Interception) Act 2000 (TAS), s 11A.
127 Road Traffic (Administration) Act 2008 (WA), s 44.
128 Road Transport (Safety and Traffic Management) Act 1999 (ACT), s 5C.
129 Road Traffic Offenders Act 1988 (UK), Schedule 2, in contravention of Road Traffic Act (UK) 1988, s 163.

10.5. *Appendix 5: Survey response rate*

The data for the Review was extracted from all Fleeing Driver surveys completed by staff. The last survey response collation was completed on 2 February 2018.

	Pursuit Controller	Dispatcher	Frontline staff	Total
Surveys sent	196	214	552	962
Surveys received back	166 (87%)	135 (63%)	352 (59%)	626 (65%)

10.6. *Appendix 6: Police case study survey questions*

Survey questions for Lead Driver/Lead Unit Crew/Field Supervisor

1. How did you apply TENR to your decision making during the event?

2. In what ways was the offender's behaviour considered in your ongoing TENR assessment?

3. What environmental factors did you consider in your management of this pursuit (e.g. weather, road conditions, volume of traffic, pedestrians, potential hazards)?

4. What information about the offender (e.g. licence status, age, identity) was known during the pursuit and how did this impact your decision-making?

5. What information about the fleeing vehicle (e.g. stolen, registration number, condition, # of occupants) was known during the pursuit and how did this impact your decision-making?

6. Was the pursuit abandoned?

    a. If yes:

        i. Who made the decision to abandon (e.g. lead unit, pursuit controller, field supervisor) and why?

        ii. What actions did you take when the decision to abandon was made?

        iii. Do you think the pursuit should have been abandoned earlier?

        iv. Do you think the pursuit should have been continued?

        v. Was the pursuit re-engaged?

        vi. Was there an inquiry phase?

    b. If no:

        i. Do you think the pursuit should have been abandoned?

        ii. Why/why not?

        iii. Were any tactical options used to apprehend the offender? (e.g. TDD, Air surveillance, dog unit, temporary road closure, use of traffic cameras)

        iv. Was a (TOR) completed?

        v. What do you think you did well during the pursuit?

        vi. In hindsight, did you learn anything from this incident? How might it change your management of future incidents?

7. Was the offender's identity known at any time during or after the event?
    a. If yes:
        i. Was the fleeing driver apprehended during/after the event?
        ii. Was the fleeing driver vehicle impounded?
        iii. Was the vehicle registered to the fleeing driver?
        iv. What was the fleeing driver charged with (or you intend to charge)?
        v. Was the fleeing driver a repeat fleeing driver offender? If yes, please describe previous events (and provide reference number of previous event(s) if known)
        vi. What is the offender's PRN?
    b. If no:
        i. Are you intending to undertake further inquiries?

Survey questions for Pursuit Controllers

1. How did you apply TENR to your decision making during the fleeing driver event?
2. Are you comfortable that the number of units that reported to you during the event, reflected the true number of units involved?
3. Why/Why not?
4. How well was radio and communications centres protocol followed during the event?
5. How was the quality of the commentary from the units involved?
6. What information about the offender (e.g. licence status, age, identity) was known during the event and how did this impact your decision-making?
7. What environmental factors did you consider in your management of this event (e.g. weather, road conditions, volume of traffic, pedestrians, potential hazards)?
8. Decision making
9. What did you do well during the fleeing driver event?
10. What challenges did you face during this event?
11. Was the event abandoned?
    a. If yes:
        i. Did the fleeing driver event recommence?
        ii. If yes, did the unit seek approval prior to recommencing the pursuit?
        iii. Was there an inquiry phase? If yes, what did it consist of?

12. What do you think our people did well during the event?

13. In hindsight, did you learn anything from this event? How might it change your management of future incidents?

Survey questions for Dispatchers

1. Was the event abandoned?
    a. If yes:
        i. Did the fleeing driver event recommence?
        ii. If yes, did the unit seek approval prior to recommencing the pursuit?
        iii. What did you do well during the event?
        iv. Do you think the pursuit should have been abandoned earlier?

2. What do you think our people did well during the event?

3. In hindsight, did you learn anything from this event? How might it change your management of future incidents?

4. How well was radio and communications centres protocol/Standard Operating Procedures (SOPs) followed during the event?

5. How forthcoming was information from the units involved?

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NEW ZEALAND POLICE
Ngā Pirihimana o Aotearoa

IPCA
Independent Police Conduct Authority
Mana Whanonga Pirihimana Motuhake