

## Appendix A – Draft Fleeing Driver Policy

### Policy standards and principles

#### What

The decision to stop a driver is one of the most dangerous activities that Police undertake daily and may be the beginning of a fleeing driver event.

A fleeing driver is a driver who has been signalled to stop by a constable but refuses to stop or remain stopped.

This can create a high risk, fast paced event which evolves rapidly, exposing all road users, including the fleeing driver and any passengers to significant risk.

#### Why

The purpose of this policy is to guide staff decision making around signalling a driver to stop, and in the event of a fleeing driver, how to achieve the safest possible outcomes for the public, vehicle occupant(s) and Police staff.

Safety is the paramount consideration.

This will be achieved through a clear and common understanding of roles and responsibilities outlined in this policy, the TENR risk assessment and decision-making process, and the appropriate application of TENR to fleeing driver events.

#### How

The decision to signal a driver to stop, to commence, continue or abandon a pursuit must be justified by a continuous TENR risk assessment.

The overriding principle when applying TENR is that 'safety is success'. Every effort must be made to minimise harm and maximise safety.

The TENR risk assessment must balance the initial threat posed by the vehicle occupant(s); the necessity to immediately apprehend the driver and/or passenger(s); and the risk of harm to any person if the driver fails to stop or remain stopped.

Each fleeing driver event will be reviewed to determine whether the decision making was:

- appropriate
- lawful
- justified, considering all the circumstances
- compliant with Police Instructions, and
- whether there are lessons to be learnt and applied.

### Overall principles

- Safety of the public, vehicle occupant(s) and Police staff takes precedence over the immediate apprehension of a fleeing driver.
- That a driver fails to stop or remain stopped for Police, is not in itself, sufficient reason to commence a pursuit.
- An investigation is preferred over the commencement or continuation of a pursuit.

- A pursuit is only justified when the threat posed by the occupants(s) of the vehicle prior to the pursuit commencing, and the necessity to immediately apprehend the driver and/or passenger(s), outweighs the risk of harm created by the pursuit.
- Police will consider the likely impact of any response on the risk of harm, particularly where children or young people are involved.
- All staff share a collective responsibility to achieve the common purpose of ensuring the fleeing driver event is managed as safely as possible.
- Any decision to not pursue or to abandon a pursuit, demonstrating sound decision making and the appropriate application of TENR, will be supported.
- All fleeing driver events will be investigated to identify the offender(s) and hold them to account.
- Fleeing driver events will be reviewed in a timely manner to identify and effectively manage or escalate any health and safety risks, training issues, systemic issues or lessons learnt.
- Staff may be criminally liable if their manner of driving contravenes legislation.

#### Related legislation and policy

The following legislation may be applicable to fleeing driver events:

- Crimes Act 1961
- Health and Safety at Work Act 2015
- Land Transport Act 1998
- Land Transport (Road User) Rule 2004
- Policing Act 2008
- Search and Surveillance Act 2012

Related policies include:

- Investigation of Critical Incidents Policy
- Debrief Policy
- Digital Media Policy
- Perimeter Control
- Police Vehicle Management (PVM)
- Professional Police Driver Programme (PPDP)
- Radio and Communication Centre Protocols
- Traffic Patrol Techniques
- Tyre deflation devices (TDD)
- Urgent Duty Driving (UDD)
- Use of Force
- TENR-Operational threat assessment

#### **Decision to stop a driver**

Vehicle stops are unpredictable. Signaling a driver to stop may result in the driver fleeing Police.

Before signalling a driver to stop, as part of your ongoing TENR risk assessment, you must consider:

- the initial threat posed by the vehicle occupant(s);
- the necessity to immediately apprehend the driver and/or passenger(s); and
- the risk of harm to any person created by commencing a pursuit.

Consideration should always be given to delaying the signal to stop while coordinating tactical options, and/or waiting for the wider environment to become safer and the risk reduced.

Before signaling a driver to stop, the initiating unit will decide whether to commence a pursuit if the driver fails to stop or remain stopped.

If the information available indicates a driver is likely to flee, the Police Emergency Centre should be advised of:

- the reason for wanting to stop the driver, and
- the intention to signal the driver to stop, and
- whether a pursuit is going to be initiated if the driver fails to stop.

*Appendix A provides examples of the type of communication expected.*

The purpose of this communication is to pre-alert the Police Emergency Centre to the possibility that a driver may flee if signalled to stop. This enables the Emergency Centre to assist in the planning of the response.

<b>TENR</b>	<b>Considerations include but are not limited to:</b>
What is the threat posed by the driver and/or vehicle occupants(s)?	<ul style="list-style-type: none"> <li>• Reason for stopping, e.g. vehicle and licence check, breath testing, traffic or criminal offence</li> <li>• Likelihood of the driver failing to stop when signalled e.g. the driver of a stolen vehicle</li> </ul>
Who may be harmed if the driver flees?	<ul style="list-style-type: none"> <li>• The safety of other road users, vehicle occupant(s) and Police</li> <li>• Identity of the driver and/or passengers</li> <li>• Likely age of the driver, the impact of age on their decision-making ability and driving experience</li> </ul>
Is Police action increasing or decreasing the risk of harm?	<ul style="list-style-type: none"> <li>• Number and likely age of passengers and their likely influence on the driver</li> <li>• Environmental circumstances (e.g. road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behaviour, condition of vehicle)</li> </ul>
Are the risks created by a pursuit greater than the initial risk posed by the driver or vehicle occupant(s)?	
What alternative options are there for resolving the event safely?	

### **Driver fails to stop after signalling**

All drivers who fail to stop, or fail to remain stopped, after being signalled to do so, will be managed in accordance with this policy.

This includes drivers who:

- are unaware of the signal to stop,
- are unaware of the required action when signalled to stop by Police, or
- deliberately fail to stop or remain stopped.

The threat, exposure, necessity and associated risks are different in each of these circumstances and will inform an appropriate and proportionate response and resolution.

The decision about whether to pursue if the driver fails to stop or remain stopped, should have been made before signalling a driver to stop.

That a driver fails to stop or remain stopped for Police, is not in itself, sufficient reason to commence a pursuit.

### Decision to not pursue

Any decision to not pursue, demonstrating sound decision making and the appropriate application of TENR, will be supported.

When a decision is made to not pursue, request the Police Emergency Centre enters a field event for the fleeing driver incident.

Any event where the driver has made a deliberate decision to not stop or remain stopped, must be resulted K6, and followed up with an investigation to identify and hold the driver to account.

Radio protocol

Step	Action
1	Police driver/passenger must advise the Police Emergency Centre of the fleeing driver incident.  <b>"Comms, {Call sign}, driver failing to stop / remain stopped. Not in pursuit. Please enter a field event and K6.</b>

### Decision to pursue

If the decision is made to commence a pursuit, the initial reason for wanting to stop the driver must be communicated to the Police Emergency Centre.

*Appendix A provides examples of the type of communication expected.*

Radio protocol

Step	Action
1	Initiating unit driver/passenger must advise the Police Emergency Centre of the pursuit, as soon as practicable, including the initial reason for wanting to stop the driver.  <b>"Comms, {Call sign}, in pursuit. {Initial reason for wanting to stop the driver}. {Direction} on {road}.</b>  <i>Appendix A provides examples of the type of communication expected.</i>
2a	The Dispatcher may abandon the pursuit where the reason for the pursuit is not provided or is insufficient to justify a pursuit.  <b>"{Call sign} from Comms. Abandon pursuit now - {reason for abandonment}. Acknowledge"</b>

Step	Action
2b	<p>If the Dispatcher is satisfied that a sufficient reason for the pursuit has been communicated, they acknowledge by issuing the pursuit warning.</p> <p><b>"{Call sign} Pursuit acknowledged. Comms has command. Safety is our priority. Acknowledge"</b></p>

### Responsibilities during a pursuit

All staff share a collective responsibility to achieve the common purpose of resolving the pursuit as safely as possible.

The table below defines roles and responsibilities during a pursuit.

<p><b>Initiating unit driver</b></p> <p><b>and/or</b></p> <p><b>constabulary passenger</b></p>	<ul style="list-style-type: none"> <li>• Ensure warning lights and sirens are activated.</li> <li>• Notify the Police Emergency Centre as soon as practicable that a pursuit has been commenced, including the reason for the pursuit, location, direction, vehicle description.</li> <li>• Acknowledge the pursuit warning from the Police Emergency Centre.</li> <li>• Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.</li> <li>• Ensure all relevant risk information is communicated to the Police Emergency Centre.</li> <li>• Comply with all directions from the dispatcher or pursuit controller.</li> <li>• Abandon the pursuit if their TENR risk assessment supports this response.</li> </ul> <p><b>Note:</b> notwithstanding the above, no driver can be directed to commence or continue a fleeing driver pursuit against their judgement.</p>
<b>Dispatcher</b>	<ul style="list-style-type: none"> <li>• Ascertains the initial reason for wanting to stop the driver.</li> <li>• May direct abandonment where the initial reason for wanting to stop the driver is not provided or is insufficient to justify a pursuit.</li> </ul> <p><b>or</b></p> <ul style="list-style-type: none"> <li>• Provides the pursuit warning.</li> <li>• Conveys the reason for the pursuit to the pursuit controller.</li> <li>• Maintains essential radio communications with all units.</li> <li>• Complies with all directions from the pursuit controller.</li> <li>• If no pursuit controller or team leader is available, must direct the abandonment of the pursuit.</li> </ul>
<p><b>Secondary vehicle drivers</b></p> <p><b>and /or</b></p> <p><b>constabulary passengers</b></p>	<ul style="list-style-type: none"> <li>• Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit are justified.</li> <li>• Ensure warning lights and sirens are activated.</li> <li>• Notify the Police Emergency Centre as soon as practicable that they are involved in the pursuit.</li> <li>• Follow behind the initiating/lead unit at a safe distance to provide support and tactical options.</li> <li>• Take over the pursuit commentary if the initiating/lead vehicle is single crewed.</li> <li>• Comply with all directions from the dispatcher or pursuit controller.</li> <li>• Direct the abandonment of the pursuit if their TENR risk assessment supports this response.</li> </ul>

<b>Pursuit controller</b>	<ul style="list-style-type: none"> <li>• Is responsible for overall control and command of the pursuit.</li> <li>• Ascertains the initial reason for wanting to stop the driver.</li> <li>• Directs abandonment where the initial reason for wanting to stop the driver is not provided or is insufficient to justify a pursuit.</li> <li><b>or</b></li> <li>• Ensures the pursuit warning has been given and acknowledged by the initiating unit.</li> <li>• Continuously performs own TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.</li> <li>• Plans to resolve the pursuit as safely as possible and communicates this plan, and any subsequent revision of the plan.</li> <li>• Directs the abandonment of the pursuit where: <ul style="list-style-type: none"> <li>- their TENR risk assessment supports this response</li> <li>- the identity of the fleeing driver becomes known and/or the fleeing driver does not pose an immediate threat and it is likely they can be safely apprehended later.</li> <li>- the identity of the fleeing driver becomes known and/or the fleeing driver does not pose an immediate threat and it is likely they can be safely apprehended later.</li> <li>- pursuing unit(s) have lost contact with the fleeing driver.</li> <li>- sustained loss of communication with pursuing unit(s).</li> </ul> </li> <li>• If resources allow: <ul style="list-style-type: none"> <li>- ensures a secondary vehicle takes over the pursuit commentary if the initiating unit is single-crewed</li> <li>- replaces unmarked vehicles (category B) with marked vehicles (category A) at the earliest opportunity</li> <li>- replaces a single-crewed initiating unit with a two-person unit as soon as practicable.</li> </ul> </li> <li>• Limits the number of police units following the fleeing driver to no more than two, unless tactically appropriate.</li> <li>• Coordinates tactical units and options to resolve the event safely (including the Air Support Unit where available).</li> <li>• Monitors situation reports to ensure sufficient risk information is being provided to enable informed decision making.</li> <li>• Broadcast the reason for abandonment to all units if the pursuit is abandoned.</li> </ul>
<b>Field supervisors</b>	<ul style="list-style-type: none"> <li>• Maintain supervisory oversight.</li> <li>• Provide support to staff and the pursuit controller, avoiding direct involvement in the pursuit where possible.</li> <li>• Continuously performs own TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.</li> <li>• Direct abandonment of the pursuit if their TENR risk assessment supports this response.</li> </ul>
<b>Other units responding as a tactical option, including ASU</b>	<ul style="list-style-type: none"> <li>• Must cease all non-essential radio communication.</li> <li>• Must not follow behind the fleeing driver pursuit unless directed or approved to do so by the pursuit controller.</li> <li>• Notify the pursuit controller of their location and tactical options available.</li> <li>• Ensure their tactical response assists with the safe management of the fleeing driver event.</li> <li>• Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified.</li> <li>• Comply with all directions from the dispatcher or pursuit controller.</li> </ul>
<b>All other units</b>	<ul style="list-style-type: none"> <li>• Must cease all non-essential radio communication.</li> </ul>
<b>District Command</b>	<ul style="list-style-type: none"> <li>• Have no command role during a pursuit.</li> <li>• May provide situational intelligence to staff and the pursuit controller.</li> </ul>

## Communication and TENR during a pursuit

### Communication

Staff responsible for providing communication during the pursuit must provide timely and relevant sit-reps to the Police Emergency Centre.

The priority is to convey the most critical risk information early to inform the pursuit controller's TENR risk assessment, enabling effective command of the pursuit.

### TENR risk assessment during a pursuit

All staff involved in a pursuit must carry out continuous TENR risk assessments, including other units responding as a requested tactical option, until the pursuit ends.

This includes identifying and communicating risks to inform TENR risk assessments and decision making.

<b>TENR</b>	<b>Considerations include but are not limited to:</b>
What is the threat posed by the driver and/or vehicle occupant(s)?	<ul style="list-style-type: none"> <li>• The nature and seriousness of offence(s) committed or about to be committed.</li> <li>• Does the need to pursue outweigh the risk of causing death or serious injury to any person?</li> <li>• Can the event be resolved by alternative means, such as an investigation?</li> <li>• Safety of all road users, including the vehicle occupant(s) and police.</li> <li>• Whether the fleeing driver was driving normally prior to being signalled to stop but is now driving in a dangerous or reckless manner due to police presence.</li> <li>• Identity of the driver and/or passengers.</li> <li>• Likely age of the driver, the impact of age on their decision-making ability and driving experience</li> <li>• Number and likely age of passengers and their likely influence on the driver.</li> <li>• Manner and speed of driving.</li> <li>• Frequency and sufficiency of sit-reps (continuing TENR).</li> <li>• Environmental circumstances e.g. road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behaviour, type and condition of vehicle (to reflect continuous TENR).</li> </ul>
Who may be harmed as a result of the pursuit?	
Is Police action increasing or decreasing the risk of harm?	
Are the risks created by the pursuit greater than the initial risk posed by the driver or vehicle occupant(s)?	
What alternative options are there for resolving the event safely?	

## Abandoning a pursuit

Any decision to abandon a pursuit demonstrating sound decision making and the appropriate application of TENR, will be supported.

## Radio protocol

<b>Dispatcher</b>	<p>The dispatcher may abandon the pursuit where the reason for the pursuit is not provided or is insufficient to justify a pursuit.</p> <p><b>"{Call sign} or {All units} from Comms. Abandon pursuit now - {reason for abandonment}. Acknowledge."</b></p>
<b>Initiating or secondary units</b>	<p>Must abandon a pursuit when their TENR risk assessment supports this response.</p> <p><b>"All units from {call sign}. Abandon pursuit now - {reason for abandonment}. Acknowledge."</b></p>
<b>Field supervisors</b>	<p>Must be proactive in managing the risks created by the pursuit, noting that field supervisors are likely to have greater knowledge of staff capability and the local environment.</p> <p>Must abandon a pursuit if their TENR risk assessment supports this response.</p> <p><b>"All units from {call sign}. Abandon pursuit now - {reason for abandonment}. Acknowledge."</b></p>
<b>Pursuit controller</b>	<p>Must abandon a pursuit where:</p> <ul style="list-style-type: none"> <li>• the reason for the pursuit is not provided or is insufficient to justify a pursuit.</li> <li>• their TENR risk assessment supports this response.</li> <li>• the identity of the fleeing driver becomes known and/or the fleeing driver does not pose an immediate threat, and it is likely they can be safely apprehended later</li> <li>• pursuing unit(s) have lost contact with the fleeing driver.</li> <li>• there is sustained loss of communication with pursuing unit(s).</li> </ul> <p><b>"All units from Comms Alpha. Abandon pursuit now - {reason for abandonment}. Acknowledge."</b></p>

### Action when directed to abandon pursuit

Following a direction to abandon a pursuit, all units must:

#### Ground Units

1. Acknowledge the direction to abandon the pursuit.
2. Immediately reduce speed to increase the distance between the fleeing driver and their own vehicle.
3. Deactivate warning devices once below the posted speed limit.
4. Stop as soon as it is safe to do so. If stopping in an area such as a motorway, safety may necessitate that warning lights remain activated until the vehicle is mobile again.
5. Advise the pursuit controller they are stationary and state their specific location.
6. Stop actively searching for the offending driver, unless specifically authorised by the Pursuit Controller.
7. Resume normal duties or deploy to other events as directed.



Radio protocol

Step	Action
1	Unit acknowledges the direction to abandon.  "Comms, {Call sign}, acknowledge. Lights and sirens off. Stationary {location e.g. outside 123 Henry Street}."

Air Support Unit

ASU will immediately cease all radio transmissions and await further direction from the Pursuit Controller.

Refer to the ASU section of this policy for further details.

**Responsibilities after a fleeing driver event**

This table outlines responsibilities after a fleeing driver event.

<b>Initiating unit driver and/or constabulary passenger</b>	<ul style="list-style-type: none"> <li>Advise the Police Emergency Centre to enter and/or result the fleeing driver event either K6 or K9</li> <li>Complete the relevant sections of the Fleeing Driver report before the <b>end of shift.*</b></li> <li>Create and update a NIA file before the <b>end of shift.*</b></li> <li>Where a Health and Safety Incident or near miss has occurred, a MyPolice incident or near miss must be recorded before the <b>end of shift.*</b></li> </ul>
<b>Dispatcher</b>	<ul style="list-style-type: none"> <li>Enter a CARD event for the fleeing driver event and ensure this is resulted either K6 or K9.</li> </ul>
<b>Pursuit controller</b>	<ul style="list-style-type: none"> <li>Complete the Police Emergency Centre section of the Fleeing Driver report before the <b>end of shift.*</b></li> <li>Debrief with Police Emergency Centre and district staff to identify areas for improvement and reinforce best practice.</li> </ul>
<b>Lead unit driver and/or constabulary passenger</b>	<ul style="list-style-type: none"> <li>Complete the Lead Unit section of the Fleeing Driver report before the <b>end of shift*.</b></li> </ul>
<b>TDD deploying officer</b>	<ul style="list-style-type: none"> <li>Complete the TDD section of the Fleeing Driver report before the <b>end of shift*.</b></li> </ul>
<b>Supervisor (Level 1 review)</b>	<ul style="list-style-type: none"> <li>Debrief with Police Emergency Centre and District staff to identify areas for improvement and reinforce best practice.</li> <li>Ensure the Fleeing Driver report and NIA records are completed before the <b>end of shift*.</b></li> <li>If any staff member is unable to complete the form, or they have been involved in a pursuit resulting in the serious injury or death, the supervisor should complete and approve on their behalf.</li> <li>Review the Fleeing Driver report to ensure compliance with policy and legislation, within <b>5 days</b> of the report being submitted for review.</li> <li>Ensure Health and Safety reporting has been completed if required.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure an investigation has been commenced to identify the offender and hold them to account.</li> </ul>
<b>District reviewer (Level 2 review)</b>	<ul style="list-style-type: none"> <li>• Review the Fleeing Driver report to ensure compliance with policy and legislation <b>within 5 days</b> of the report being submitted for review.</li> <li>• Review the Police Emergency Centre audio recording.</li> <li>• Review any ASU footage in conjunction with an ASU representative in compliance with the Digital Media Policy.</li> <li>• Identify and effectively manage or escalate any health and safety risks, training issues, systemic issues or lessons learnt.</li> <li>• Ensure all fleeing driver events have a corresponding NIA record.</li> <li>• Comply with any national review process.</li> </ul>

\* or with approval, within 3 days of the end of shift and before going on RDO's or leave.

Where reporting timeframes cannot be met due to exceptional circumstances, ensure all known information is populated within the required timeframes, and the form completed as soon as possible.

### Commencing a new fleeing driver event post abandonment

There will be very few circumstances where a TENR risk assessment will justify subsequent pursuits with a vehicle or driver involved in a previously abandoned pursuit.

Permission must be obtained from the pursuit controller before:

- a) signalling the driver to stop, and
- b) commencing a pursuit in the event the driver fails to stop or remain stopped.

Permission will only be given in circumstances where the threat posed by the occupant(s) of the vehicle and the necessity to immediately apprehend the driver and/or passenger(s) outweighs the risks created by the pursuit.

If permission to signal and pursue is granted, the pursuit controller must communicate a clear plan to resolve the fleeing driver event should the driver fail to stop or remain stopped.

Where there is a necessity to arrest the fleeing driver and/or vehicle occupants due to the high level of threat posed, the use of tactical options will be directed by the pursuit controller.

Urgent duty driving post abandonment is unlikely to be justified in any other circumstances.

Any subsequent pursuit with a vehicle or driver of a previously abandoned pursuit is a new event.

When a pursuit has been abandoned and a subsequent pursuit is not authorised by the pursuit controller, all units will redeploy to normal duties or as otherwise directed.

### Radio protocol

Step	Action
1	<p>Police driver/passenger calls the Police Emergency Centre and provides:</p> <ul style="list-style-type: none"> <li>• location</li> <li>• direction of travel</li> <li>• a summary of the threat, exposure and necessity to pursue based on their TENR risk assessment.</li> </ul> <p><i>Appendix A provides examples of the type of communication expected.</i></p> <p><b>"Comms, {Call Sign} Permission to signal"</b></p>

2	<p>Only the pursuit controller may decide whether the fleeing driver will be signalled to stop and advises the requesting officer of their decision.</p> <p><b>"{Call Sign} from Comms. Permission denied - {Reason}"</b></p> <p>or</p> <p><b>"{Call Sign} from Comms. Permission to signal granted. Permission to pursue denied."</b></p> <p>or</p> <p><b>"{Call Sign} from Comms. Permission to signal and pursue granted "</b></p>
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### Tactical options available

This table provides an overview of the standard tactical options available.

Tactical option	Initiated by ...	Conditions
<b>Abandon</b>	Initiating or secondary unit drivers or constabulary passengers, field supervisor, dispatcher or pursuit controller	Must be abandoned if directed by any of these people. Abandonment procedures must be followed.
<b>Air Support Unit (ASU)</b>	Pursuit controller	Must be considered when available and suitably qualified staff can maintain observations and/or provide commentary to the pursuit controller.
<b>AOS or STG non-compliant vehicle stop</b>	AOS or STG commander	May only be conducted by AOS or STG members who are trained in the tactic.
<b>Dog unit</b>	Pursuit controller or dog unit	The dog unit may be additional to the initiating and secondary units. Dogs must notify the pursuit controller if they are available to provide tactical assistance.
<b>Investigation</b>	Field supervisor / Comms Alpha	The field supervisor has primary responsibility for directing the subsequent investigation to identify and hold the fleeing driver and/or any other offenders to account i.e. enquiries with the registered person.
<b>Temporary road closure</b>	Pursuit controller	Refer to the 'Traffic Patrolling Techniques' chapter.
<b>Tyre deflation devices (TDD)</b>	Pursuit controller, trained Police employees in exceptional circumstances, Police Emergency Centre shift commander for deployment on heavy vehicles	A tyre deflation device may be deployed, providing deployment meets the requirements of the ' <u>Tyre deflation devices</u> ' chapter.

### Investigation

All fleeing driver events will be investigated to identify the offender and hold them to account.

A Fleeing Driver notification must be completed for every fleeing driver event, including when a driver was signalled to stop, and failed to stop or remain stopped, and police did not pursue.

A Fleeing Driver notification must also be completed in situations where the driver or rider of a vehicle, fled (on seeing Police) before being signalled to stop, and Police did not pursue.

If the fleeing driver is not apprehended at the time of the pursuit, the field supervisor has primary responsibility for ensuring a NIA file has been created, and directing inquiries to identify and locate the fleeing driver and / or any other offenders as part of the ongoing investigation i.e. inquiries with the registered person, review of CCTV footage etc.

All associated fleeing driver files must be linked and will form part of the investigation.

Refer to the Fleeing Driver Event: Investigation Practice Guide.

## **Air Support Unit**

The primary role of the Air Support Unit (ASU) is to maintain observations and provide the pursuit controller with enhanced situational awareness to inform their TENR risk assessment, decision making and safe management of the fleeing driver event.

The pursuit controller retains control and command of the fleeing driver event at all times.

The pursuit controller may request ASU to:

- take over primary responsibility for providing commentary
- assist in the coordination of ground units to resolve the fleeing driver event safely

ASU will take all reasonable and practicable steps to maintain a covert presence. If aircrew believe their aircraft has been identified by a fleeing driver, they must inform the pursuit controller.

ASU will record and transmit all fleeing driver events using video recording equipment and operation of the downlink. If the transmission is not being received by the pursuit controller, ASU must be advised.

ASU are responsible for advising the Police Emergency Centre of any relevant risk factors, including any observed behaviour by police which is inconsistent with this policy.

The direction to abandon a pursuit also applies to the Air Support Unit.

When the direction to abandon a pursuit is given by any person, ASU will immediately cease all radio transmissions and await further direction from the pursuit controller.

This direction may include:

- maintain observations with no commentary
- maintain observations with limited commentary, with the intention of coordinating affirmative action to stop the vehicle and/or apprehend the offenders
- maintain observations with full commentary
- vacate the airspace

If the direction is to vacate the airspace, ASU will leave the area as quickly and as safely as possible, in compliance with Civil Aviation Authority rules and regulations.

If a vehicle is being tracked by ASU but has not been signalled to stop, this policy must still be followed.

See also: 'Police air operations'.

### **AOS/STG non-compliant fleeing driver stop**

In situations which are justified by a TENR risk assessment (e.g. armed offenders or extreme risk to public), AOS or STG commanders may authorise a non-compliant vehicle stop. This can only be done where there is no other timely, practical method of containing the fleeing driver or neutralising the threat they present.

AOS or STG personnel can undertake the tactic when:

- they are trained in its use; and
- it is undertaken in accordance with AOS or STG standard operating procedures; and
- authorised by an AOS or STG commander.

Given the importance of all units having a clear understanding of the tactical plan, if a non-compliant vehicle stop is going to be carried out, it is preferable for this to be broadcast on an area channel, rather than a tactical channel.

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## Appendix A – Verbalising a Summary of TENR

The examples below are provided to aid understanding of the communication expected in relation to verbalising a summary of TENR, in situations where a driver is likely to fail to stop or remain stopped.

### 1. Urban location - 0200hrs

Threat: *Following a [vehicle description]. Smashed rear window. Suspected stolen. Manner of driving currently good.*  
Exposure: *Looks three up. No other traffic. Heading [direction] on [road].*  
Necessity: *Property offence.*  
Response: *Likely to flee. If the driver fails to stop, we will not pursue.  
DCC / Comms / TOC / Eagle – can you get this on camera?  
Comms – can we get some extra units in place before we signal to stop?*

A property crime is unlikely to justify the risk of harm created by engaging in a pursuit.

### 2. Suspected 1X

Threat & Exposure: *We've located the vehicle – it's deliberately being driven into the path of oncoming vehicles.*  
Necessity: *If we don't act, someone's going to be killed.*  
Response: *We intend to [communicate plan and tactics here] or Comms, please assist with a plan.*

Driver poses a certain and ongoing threat to themselves and other road users. Police must act to mitigate the risk of harm.

### 3. Fails to remain stopped - Wanted to interview

Threat: *Male wanted to interview (breach of PSO) has driven off from our 3T.*  
Exposure: *Moderate traffic.*  
Necessity: *Known offender – [name].*  
Response: *We'll call the protected person to check on their safety.*

Known offender, posing no immediate threat. Safety of the protected person is the primary consideration. Event can be resolved through an investigation.

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## Appendix B – Key roles and definitions

This table outlines the key roles and definitions used in this policy.

Term	Definition
<b>Abandon</b>	Permanently abandon the pursuit.
<b>Air Support Unit (ASU)</b>	<p>The primary role of the Air Support Unit (ASU) is to maintain observations and provide the pursuit controller with enhanced situational awareness to inform their TENR risk assessment, decision making and safe management of the fleeing driver event.</p> <p>ASU has no command or control role in fleeing driver events.</p> <p>The pursuit controller may request ASU to:</p> <ul style="list-style-type: none"> <li>• take over primary responsibility for providing commentary</li> <li>• assist in the coordination of ground units to resolve the fleeing driver event safely</li> </ul>
<b>Dispatcher</b>	Manages the radio channel, notifies the pursuit controller of the pursuit. May abandon the pursuit prior to the pursuit controller taking command of the event where the reason for the pursuit is not provided, or is insufficient to justify a pursuit
<b>District Command Centre (DCC) and NCCC</b>	Have no command role in fleeing driver events
<b>District reviewer</b>	Nominated by the District Commander to review fleeing driver events in their district.
<b>Field supervisor</b>	Any supervisor aware of the pursuit. This may be different to the initiating unit's line supervisor
<b>Fleeing driver</b>	A driver who has been signalled to stop by a constable but fails to stop or remain stopped, or a driver who flees as a result of Police presence, whether signalled to stop or not.
<b>Investigation</b>	Subsequent inquiries carried out to identify and hold the fleeing driver and/or any other offenders to account.
<b>Initiating unit</b>	The police unit that initially signalled the driver to stop.
<b>Lead unit</b>	Any police unit that has replaced the initiating unit, usually at the direction of the pursuit controller i.e. where the initiating unit is single crewed or in an unmarked vehicle.
<b>Constabulary passenger</b>	A constable who is a passenger in the initiating, lead or secondary vehicle.
<b>Pursuit</b>	A high risk, tactical response to a fleeing driver event.
<b>Pursuit controller</b>	The Police Emergency Centre shift commander who manages the fleeing driver event. If a Police Emergency Centre shift commander is unavailable, a constabulary team leader may undertake the role of pursuit controller. In exceptional circumstances, a team leader who is not a constable may undertake the role of pursuit controller
<b>Secondary vehicle</b>	The second police vehicle in a fleeing driver pursuit. At the direction of the pursuit controller, this unit may take over the role of lead vehicle i.e. where the initiating unit is single-crewed or in an unmarked vehicle.
<b>Signaling a driver to stop</b>	Driver is signalled to stop by a constable using flashing red and blue lights and/or a siren. An officer in full uniform may also signal a driver to stop.
<b>Tactical unit(s)</b>	Any police unit not actively pursuing the fleeing driver but available to carry out a tactical response as directed by the pursuit controller.
<b>TENR</b>	TENR (Threat, Exposure, Necessity, Response) is a risk assessment and decision-making process that supports the timely and accurate

	assessment of information directly relevant to the safety of police and others.
<b>Urgent duty driving</b>	<p>Urgent duty driving is when an enforcement officer on duty is driving above the speed limit or the natural flow of traffic, and may not be complying with certain traffic rules and is either:</p> <ul style="list-style-type: none"><li>• responding to a critical incident</li><li>• gathering evidence of an alleged offence</li><li>• apprehending an offender for an alleged traffic or criminal offence</li><li>• responding to a fleeing driver event in accordance with the Fleeing driver policy</li><li>• providing security to, and facilitating the movement of, an official motorcade as part of an operation (as established in the relevant operation orders)</li><li>• engaged in activities approved by the Commissioner in writing</li></ul> <p>and are relying on the defenses under the Land Transport (Road User) Rule 2004 (RUR) and the Land Transport Act 1998 (LTA) for not complying with certain traffic rules and regulations which would prevent the execution of that duty.</p>

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