

Reference	ELB/20/35
Paper title	Fleeing Driver Policy – Recommended revision as a result of the joint IPCA/Police thematic review
Sponsor	Deputy Commissioner Michael Clement
Presenter/s	Assistant Commissioner Sandra Venables
Prepared by	Brittany Young and Amy Weightman, National Road Policing Centre
Meeting date	Monday 18 May 2020

Consultation required

Unless specifically directed by the paper's Sponsor, papers should be presented to the SLT in the first instance, using the SLT paper template.

If the contents of this paper are such that they are to be presented to the ELB only, consultation may still need to be undertaken with other work groups / service centres / districts to ensure their views have been sought and are accurately reflected in this paper.

For consultation purposes, please use the following group email addresses: '**DL_Assistant Commissioners**' and '**DL_ Consultation Group (ELB&SLT Papers)**'. These email lists are frequently updated.

Please double click the boxes to tick which groups / individuals have been consulted regarding this paper and include their feedback in the Feedback Received section.

Tick	Group / individual	Specify, if required
<input type="checkbox"/>	Assistant Commissioners	
<input checked="" type="checkbox"/>	Consultation Group (ELB&SLT Papers)	
<input checked="" type="checkbox"/>	District staff (specify)	Workshops held in all 12 Districts
<input checked="" type="checkbox"/>	External (specify)	Police Association, Police Managers Guild, Office of the Children's Commissioner, Independent Police Conduct Authority
<input type="checkbox"/>	Other (specify)	

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Reference ELB/20/35
Title Fleeing Driver Policy – Recommended policy revisions as a result of the joint IPCA/Police thematic review

14 May 2020

Purpose

1. The purpose of this paper is to provide the Executive Leadership Board (ELB) with a revised Fleeing Driver Policy in line with the recommendations from the joint Independent Police Conduct Authority (IPCA) / New Zealand Police (Police) thematic review; *Fleeing Drivers in New Zealand, A Collaborative Review of Events, Practices and Procedures*.
2. Approval is sought both for the revised policy and to commence the development of training materials to enable its successful implementation.

Fleeing Driver Policy Background

3. In late 2016, Police and the IPCA recognised there was an opportunity to build on the collective understanding of the fleeing driver environment. A joint thematic review was initiated, seeking to identify and address common themes, as well as issues in existing practice where further improvements may be required.
4. The final report "*Fleeing Drivers in New Zealand, A Collaborative Review of Events, Practices and Procedures*" was published in March 2019. This report contained eight high level recommendations which Police agreed to action.
5. In April 2019, led by the Assistant Commissioner: Road Policing and Prevention, Police established the Fleeing Driver Action Plan (FDAP) work programme, with a governance and delivery structure. Separate workstreams within the FDAP group were established to manage each of the eight recommendations (refer SLT/19/48). Pre-Covid the Fleeing Driver Steering Group met fortnightly and has been appraised of the progress of the workstreams and discrete pieces of work within those structures.
6. Recommendation 3 of the joint Review stipulates that:
 1. *'Police will review the Fleeing Driver (FD) policy against the findings of the Review and make any necessary revisions to the policy and standard operating procedures to ensure they remain fit for purpose and support the effective management of fleeing driver events.'*
7. Revisions to the FD policy have been influenced by work undertaken across all eight of the FD work streams. A draft of the FD policy, including the proposed revisions, is attached as Appendix C.

Rationale for Revisions to the Fleeing Driver Policy

8. The fundamental principles of the FD policy remain fit for purpose, and continue to provide guidance to our people for the effective management of fleeing driver events.
9. The purpose of the Review is to strengthen the existing policy to ensure clarity of meaning, and ensuring the policy provides appropriate guidance, reflecting the organisation's commitment to ensuring the safety of the New Zealand public and our people when engaging in fleeing driver events.

10. Police currently operates under a restrictive FD policy. While the existing policy does not describe an offence threshold for initiating a pursuit, it provides guidelines on all stages of a fleeing driver event, along with detailing available tactical options and the roles and responsibilities of those involved.
11. In practice, the current wording of the FD policy has enabled different interpretations of the principles. It is anticipated these varying interpretations can be mitigated through the clear use of TENR, recognising the risks posed by FD events.
12. The objective of the work carried out under Recommendation 3 of the thematic review was to:
 - a. Ensure Police effectively manages the risks posed by fleeing driver events.
 - b. Ensure public safety is maximised and fleeing drivers are held to account.
 - c. Explicitly include TENR assessments at the heart of fleeing driver event management. Specifically, the use of TENR as a tool to determine whether to signal a vehicle to stop, commence, continue or abandon a pursuit.
 - d. Remove ambiguity and redundancy from the policy so that best practice operating procedures are standardised across Districts.
 - e. Provide clear direction on what constitutes poor practice and how to address it.
 - f. Clarify the roles and responsibilities of all staff involved in a fleeing driver event to improve the efficiency and effectiveness of event management.
 - g. Incorporate into policy the broad themes of the Review and highlight the specific action points.

Development and Consultation of the Fleeing Driver Policy

13. Revisions to the FD policy were initially made by the Policy Working Group at PNHQ. The draft policy was then reviewed by the business owner of the FD policy (National Manager: Road Policing) to ensure the policy remained fit for purpose.
14. The draft policy was presented to the FDAP Steering Group (Steering Group) for discussion and feedback in August 2019. The Group sought Executive approval to use the draft policy in wider consultation with Districts. Approval was granted and the Steering Group approved release of the draft policy for consultation with Districts and Service Centres on 7 October 2019.
15. Focus groups were established in Districts between November and December 2019. This was to ensure operational staff were provided with an opportunity to contribute, and to test how the policy aligned with current practice and mind sets. It also provided insight into which Districts would require additional support to embed the proposed revisions, if approved.
16. Refinements were made to the draft policy to reflect feedback received. The draft policy was presented to the Steering Group for final approval on 24 February 2020, before seeking wider ELB / SLT consultation.
17. There are a number of external stakeholders who are interested in Police management of FD events, including the Police Association, the Police Managers Guild, the IPCA and Office of the Children's Commissioner. These external stakeholders have been kept apprised of progress throughout the development of the revised policy, and their feedback has been considered by the Steering Group.
18. As part of the Steering Group's FDAP programme of work, the revised FD Policy has also had significant input from the Steering Group throughout the eight workstreams.

Key Revisions to the Fleeing Driver Policy

19. Key revisions to the policy can be attributed to the work from the thematic review recommendations, feedback from Districts and service centres and the outcomes of Steering

Group meetings. The key revisions are outlined below and a full rationale for the revisions can be found in Appendix B.

- a. The only justification for a pursuit is when the risk of harm during the pursuit is outweighed by the threat posed by the occupants(s) of the vehicle prior to its commencement, and the necessity to immediately apprehend the driver and/or passenger(s).
- b. Consideration of the likely impact or the risk of harm by Police action or inaction.
- c. Roles and management for pursuit control clarification.
- d. Provision of situational intelligence by the District Command Centres (DCCs), Air Support Unit (ASU) and any other person to inform TENR risk assessments and decision making.
- e. When a pursuit has been abandoned, Police must not continue to actively search for the offending driver unless specifically directed by the Pursuit Controller.
- f. Every fleeing driver event must be resulted either K6 (reported) or K9 (arrest), with a robust investigation undertaken to identify the driver and hold them to account. Where there is necessity for immediate follow up, the Pursuit Controller will direct an available supervisor to lead these inquiries.
- g. Greater emphasis on debriefs (Pursuit Controller and Field Supervisor)
- h. Greater emphasis on review process (District Reviewers)
- i. Very few circumstances where a TENR risk assessment will justify re-engagement with a vehicle or driver involved in a previously abandoned pursuit.

Minor Changes to the Fleeing Driver Policy

20. A number of revisions have been made to make the policy easier to read:

- a. The removal of superfluous and repeating sentences. For example, the repetition of *'Police employees must be flexible in their response to what will often be a rapidly changing situation'*.
- b. Alphabetical reorganisation of tables for ease of access. Information split across tables and paragraphs has now been combined into the same format.
- c. Unnecessary information has been removed, such as examples of how to conduct an inquiry and the meaning of legislation to ensure the policy is concise.
- d. Definitions moved to a separate Appendix to improve readability.
- e. Call sign examples standardised to aid readability.

21. The revised policy was reviewed by the Police Instructions team to ensure consistency with existing Police policies.

22. Further to the grammatical and stylistic changes, sections of the policy were updated to include clear direction on the use of TENR. These sections now reiterate the use of TENR as a requirement at multiple points of a fleeing driver event, beginning with the initial decision to signal a driver to stop, commencing a pursuit, continuing a pursuit, abandoning a pursuit, and finally any re-engagement with a fleeing driver.

Consultation on this Paper

23. This paper for the ELB and the revised policy has been consulted with the Steering Group, SLT and ELB members via the Consultation Group (ELB&SLT Papers) distribution list.

24. From this consultation round, feedback was received from the Office of the Commissioner, and via District Commanders from Waitemata, Auckland City, Central, Bay of Plenty, Wellington and Canterbury. Feedback is summarised in Appendix A.

25. In general, there is broad support for the proposed revisions to the policy.

Leadership and Governance

26. Implementation of the revised policy will require oversight to ensure that an appropriate mind-set is embedded across Police, along with a sound understanding and application of TENR. It is anticipated the Steering Group will continue to oversee this work.

27. Integrating the data obtained from the FD Notification with the Use of Force database, will provide greater optics for Districts, Road Policing and the Executive on the implementation of the revised policy.

28. The Steering Group will report to the Sponsor in six months to provide an update on the implementation and embedding of the revised policy.

Risks / Opportunities

29. The feedback received on non-compliant vehicle stops was particularly contentious. There is a view that our people are not trained or explicitly enabled to carry out non-compliant vehicle stops, but are regularly faced with circumstances requiring them to take affirmative action to reduce the risk of harm.

- a. Sections 39, 40, 41 and 48 of the Crimes Act 1961 provide constables with legal authority to use reasonable force when necessary, with Police vehicles regularly being used as a tactical option.
- b. On 27 January 2020 the Steering Group considered a Recommendations paper in relation to the introduction of non-compliant vehicle stops in limited circumstances. The decision made at that time was to retain the status quo, as it was considered the risks associated with extending the use of non-compliant vehicle stops beyond AOS and STG were too significant.
- c. However, this does not address or mitigate the organisational risk associated with untrained staff using police vehicles as a tactical option in circumstances which are legally justified.

30. The policy relaunch will require strong messaging from the Executive and consistent reinforcement from leaders at all levels of the organisation to successfully embed the required mind set change.

31. There is a risk that when the public becomes aware of the threshold for initiating a pursuit, those drivers who already have little regard for road safety may become emboldened to flee, s.6(c) OIA

32. There is a risk that increased awareness of the circumstances where Police is likely to abandon a pursuit, may result in s.6(c) OIA driving to prompt this decision.

33. These risks can be mitigated by Police ensuring that all fleeing driver events are investigated to identify and hold the offending driver to account.

34. There are opportunities to use technology to enhance and support the safe management of fleeing driver events.

- a. Police has investigated the feasibility of introducing simulator training (Recommendation 2.4). A cost benefit analysis of investing in screen simulators concluded that greater benefit will be gained from emerging Virtual Reality (VR) technology. VR technology currently available is not fit for purpose, however The Royal New Zealand Police College (RNZPC) has commenced development of test products to advance this option for Police across the entire suite of tactical decision-making settings. It is expected there will be significant progress made in the next 12 months.

- b. Recommendation 7.3 of the Review requires Police to 'Investigate the use of location technology for National Communications incident resource deployment and management during events'. Location technology is currently used in the Deployment and Safety (DAS) application which provides location details of officers. The Situational Awareness Mapping (SAM) application complements DAS by providing location information of surrounding officers. Data for both applications originates from mobility devices.
- c. The Police Fleet Group recently commenced the deployment of 'telematics', which is a method of monitoring a vehicle by combining a GPS system with on-board diagnostics. At this stage, telematics is only being used to automate the uploading of odometer information. There is an opportunity to extend the use of telematics to capture near real time data (including location, direction and speed), which originates from the vehicle. This technology is widely used in the private sector and other government agencies, with proven benefits in relation to improving employee driver behaviour.
- d. Investigations are currently leading a project in conjunction with NZTA to digitise the process for sharing CCTV footage with Police. Once completed, this will enhance the ability of our people to easily obtain footage as part of any subsequent investigation into fleeing driver events.

35. Fleeing drivers are a matter of considerable public interest. Any shift in Police policy is likely to draw attention from the press and public, and could impact on trust and confidence. Given the mixed public opinion, and the contentious nature of the issue, it is recommended a communications plan be developed to ensure careful consideration of risk management.

Financial Implications

- 36. There are no specific financial implications associated with the implementation of the revised policy.
- 37. A training and implementation package will be required to ensure that our people understand and can apply the revised Fleeing Driver policy appropriately. It is anticipated this will be funded from within baseline.

Resourcing / Staff Implications

- 38. There are no anticipated resourcing concerns or people implications.
- 39. There may be potential extractions as a result of training. The training plan is yet to be developed; some rostering changes may be required.

IT Implications

- 40. There are no anticipated IT implications with implementing the revised policy.

Māori, Pacific and Ethnic Peoples

- 41. The revised FD Policy does not have any specific implications for Māori, Pacific and Ethnic Peoples.
- 42. Given the over-representation of Māori, Pacific and Ethnic Peoples (particularly youth drivers) in FD events, any changes that improve safety outcomes may have an impact on reducing the disproportionately negative outcomes for Māori.

Alignment with Strategic Priorities

- 43. Improved management of fleeing driver events has potential impacts for improved strategic outcomes in alignment with a number of our targets.
- 44. Any commitment to improved road safety outcomes will have a positive impact on Police's commitment to reducing road deaths by 5%. Revisions to the FD policy have been specifically

made to support improved decision making and professional driving practices, along with minimising the risks to road users when a driver chooses to flee.

45. Increased emphasis on identifying and holding fleeing drivers to account through robust investigation processes ensures that high risk drivers are dealt with in a manner that reduces the risk to other road users and enhances public trust and confidence.

46. Appropriate application of TENR, in addition to more robust investigative processes, may result in a reduction in recidivist fleeing driver behaviour and positively impact on a 25% reduction in Māori reoffending.

Legislative Implications

47. There are no anticipated legislative implications.

Health and Safety Implications

48. By increasing the emphasis on TENR to justify a pursuit, it is anticipated there will be a reduction in risk as our people engage in fewer pursuits.

Training and Implementation Implications

49. Internal communications and ongoing training will be required to embed the required mind set shift.

50. Messaging needs to be endorsed and delivered by a senior Executive member to ensure our people understand the significance of the revisions that have been made to the FD policy and organisational expectations.

51. A training and implementation package will need to be developed and delivered to ensure our people understand and can apply the revised FD policy appropriately.

District Implications

52. District Leadership Teams (DLTs) will be crucial to leading the required change in mind set. District champions will be identified to support DLTs and deliver face-to-face training.

Implications for other Agencies

53. There are no specific implications for other agencies relating to the revisions of the Fleeing Driver policy. However, it is important to note that any revisions made to this policy will incur great interest from other agencies; eg, Office of the Children's Commissioner and the Independent Policy Conduct Authority.

Communications

54. An appropriate media strategy will need to be determined between the Media and Communications Team, and the FDAP Steering Group once the revised policy has been approved.

Recommendations

55. It is recommended the Executive Leadership Board:

- (i) **Note** that there may be further revisions to the Fleeing Driver policy required, following the completion of work from other Fleeing Driver Action Plan recommendations;
- (ii) **Approve:**
 - (a) The proposed revisions to the Fleeing Driver policy;
 - (b) The development of an e-learning package for frontline staff to support the launch of the revised policy.
- (iii) **Endorse** that a communications plan be developed to accompany changes to the Policy;
- (iv) **Direct** that a communications plan be developed to accompany changes to the Policy.



Michael Clement
Deputy Commissioner: National Operations

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Appendix A - Feedback received

Reference SLT/20/26
Title Fleeing Driver Policy – Recommended revision as a result of the joint IPCA/Police thematic review
Date paper sent for consultation 19 March 2020

In the table below, please record the names of those people consulted, their feedback and your action or recommendations. Please clearly state if no response is received from any parties. If consultation has not been undertaken, a full explanation must be provided on the Cover Sheet.

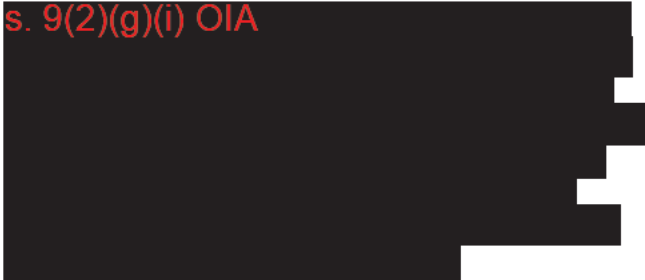
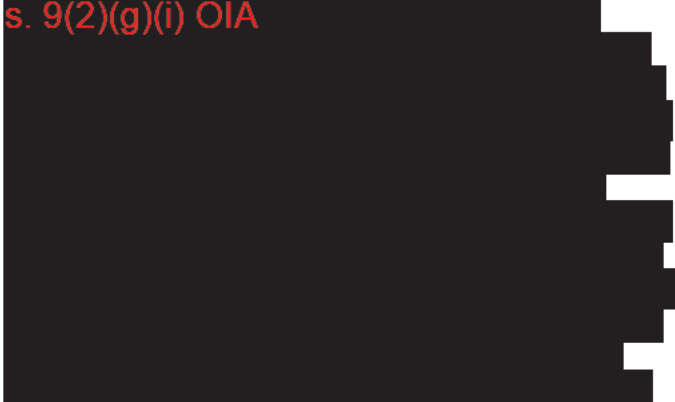
Name / position / workgroup / agency	Feedback provided	Action taken or recommended following the feedback
IN SUPPORT		
Waitematā	<ul style="list-style-type: none"> • Support the approach taken by the refreshed recommendations of this Policy and SOP's. It provides greater clarity and is relevant with the challenges staff currently face in the management of fleeing drivers. • The requirement for a TENR risk assessment prior to signalling a vehicle stop is an excellent policy point and will automatically negate a number of high risk pursuits immediately. • Empowering the Dispatcher to abandon the pursuit up until the point Pursuit Controller takes command is supported by staff who have worked as Shift Commanders in Communications Centre. • Clarifying control and command function sits with Communications Centre is also supported and removes any confusion that has occurred in the past • Greater clarity in relation the responsibility of Pursuit Controller directing immediate enquiries post pursuit if deemed necessary, and removing the risk of search phase-like behaviour mitigates risk to our staff and the community. 	

Auckland City	<ul style="list-style-type: none"> • This has been long awaited and in general (particularly those with Comms experience) support the proposals. • Agreement with removing control from the DCCs, thereby improving clarity of control and authority over fleeing driver events. • Agreement that ASU is a tactical option/observation platform and should not hold command and control. • Air Support Unit has worked closely with the steering group to ensure workable wording and safe practice. • The inclusion of 'If a vehicle is being tracked by ASU but has not been signalled to stop, this policy must still be followed.' is a welcome addition to acknowledge circumstances when Eagle is observing before a vehicle is signalled to stop. • Ceasing transmission when a direction to abandon also alleviates any issues for ground staff feeling like the pursuit is still underway, and then clear direction can be given by the Pursuit Controller. 	
Wellington	<ul style="list-style-type: none"> • The inclusion of the TENR risk assessment model in the refreshed policy provides a clear platform for all parties to determine risk. • As a district we support the fact that the policy provides a clear outline on who has command. 	
Canterbury	<ul style="list-style-type: none"> • General comment in support of both the process undertaken to develop the policy, and of the policy itself. 	
CONCERNS RAISED - TRAINING		
Auckland City	<p>Agreement with the slightly higher threshold being applied and the clarity that accompanies it.</p> <p>Concerns raised that the training provided at the College is insufficient to enable our staff to [safely] engage in high speed fleeing driver situations.</p>	<p>Recruits are currently assessed up to Silver PPDP standard. The aligns with PPDP policy which states that “A constable or authorised officer holding a Silver classification must not pursue a fleeing driver unless a Gold driver provides direct supervision, or in exceptional circumstances”</p> <p>Training is conducted on a closed road (Manfield Raceway) to ensure the recruit is able to conduct Urgent Duty Driving, and attend priority incidents safely. The current limitations on speed at 120kph is sufficient to be able to assess the recruit in conducting the appropriate skills and abilities to be assessed up to the silver standard.</p>

		<p>In addition, there is extensive input around the fleeing driver policy, especially around decision making. This incorporates scenarios from actual events. The proposed Fleeing Driver TENR risk assessment and decision making tool is being socialised with trainers and will soon be put across the recruit wings, incorporating feedback and lessons learnt from PPDP assessors who are currently trialling this in Tasman and Canterbury.</p> <p>Commentary and appropriate radio procedures are practiced during the driver training programme and also in the final Revised Integrated Practice (RIP) session.</p> <p>Continuous Education Programme Fleeing Drivers has been identified as a topic for inclusion in the second release of the Continuous Education Programme, due for completion in July 2020. It is anticipated content will be developed and introduced at the levels of Individual Contributor, Team Leader/Manager and Leader/Manager.</p>
Auckland City	Suggested additional investment into training of staff, particularly under stressful situations with input from the requisite psych experts, which would be transferable across other situations.	<p>Cognitive Conditioning is already included in recruit training, and is a significant part of developing the ability to make sound decisions under stress, both physically and psychologically.</p> <p>Driver training builds on this learnt skill to reduce audio exclusion under stress, increase cognitive ability to undertake commentary, use the in-car radio and follow correct procedures.</p> <p>The enhanced Manfield training focuses on cognitive behaviour and an ability to respond to instruction, answer radio transmission, make correct decisions and conduct TENR risk assessments in high stress situations.</p>
CONCERNS RAISED - TENR		
Waitematā	There will be some initial difficulty in the requirement for the initiating officer to provide “a summary of the TENR risk assessment”. This will consume radio time, as they go through each of the quadrants of TENR.	If the officers TENR assessment is that a driver is likely to flee (i.e. a stolen vehicle with 3 people in it located at 0400 hrs), the expectation is that a TENR assessment will be communicated to Comms and consideration given to what action can be taken prior

	It will be important for lead driver to communicate this summary prior to commencing pursuit as once lights are activated this may become quite problematic.	to signalling the vehicle to stop. This may be as simple as; <ul style="list-style-type: none"> - Comms – stolen vehicle, manner of driving good (threat), direction / road - Three up, minimal traffic, no pedestrians (exposure) - Reported stolen 2 hours ago – occupants are likely offenders (necessity) - Can we get some other units in place? / ASU? (response)
Wellington	<p>The policy places significant weight on applying TENR to the incident.</p> <p>The issue is that an individual's experience, operational history and personal perceptions etc. influence their appreciation of an event. Furthermore, under cognitive load (stress, adrenaline etc.) an individual's TENR assessment could be situationally subjective and not truly reflected in TENR response.</p> <p>As a district we support the inclusion, but have concerns around its practical application in the operational environment.</p>	<p>If the officer has already signalled a driver and the driver fails to stop, a similar TENR needs to be communicated to Comms. Essentially, this is communicating the reason for the pursuit and the officers' consideration of risk.</p> <p>There are still occasions where our people are not communicating the reason for the pursuit, or the reason provided does not justify engaging in a pursuit. For example, there are no legal powers to stop a vehicle because the driver is '1C'.</p>
CONCERNS RAISED – CONTROL AND COMMAND		
Central	<p>The key issue raised is the role of the DCC in pursuits.</p> <p>It is felt the wording around the role of DCC's is too restrictive, and that the DCC (and or other senior staff) who have a situational awareness and can see a risk greater than what is apparent via the commentary should have the ability to immediately give a direction to abandon the pursuit.</p>	<p>The Police / IPCA Fleeing Driver Action Plan contained a specific recommendation to 'Confirm that DCC's have no command over fleeing driver events'.</p> <p>This was to provide greater clarity to our people about who was actually in command. Police agreed to all the recommendations in the Action Plan, so this has been incorporated into the policy.</p> <p>Additional comment in the thematic review was about the need for Pursuit Controllers to exercise greater / active command over fleeing driver events. Aspects of the policy have been strengthened to clearly set this expectation. Best practice will be for the DCC's to communicate with Comms, which will reinforce and support the command role held by the Pursuit Controller.</p> <p>None the less, if a DCC supervisor (or other senior staff member) is aware of risk factors requiring the immediate abandonment of a</p>
Bay of Plenty	Dispatchers having the power to order abandonment prior to pursuit controller taking over.	

		<p>pursuit, and directs abandonment, the worst criticism Police will face is that we failed to adhere to this aspect of the policy, but instead took a more risk adverse approach.</p> <p>This action can be justified by one of the overarching principles, being that;</p> <ul style="list-style-type: none"> • All staff share a collective responsibility to achieve the common purpose of ensuring the fleeing driver event is managed as safely as possible <p>After consultation with Districts and Police Communications, the decision made by the Steering Group was that Dispatchers should be given authority to abandon when;</p> <ol style="list-style-type: none"> a) TENR is not provided i.e. the reason for the pursuit is not provided, or b) TENR provided is insufficient to justify a pursuit i.e. a minor traffic violation does not justify a pursuit <p>Many Shift Commanders already provide Dispatchers with delegated authority to abandon, so this adjustment is affirming current practice, as well as giving effect to the recommendation from the Police / IPCA review.</p> <p>The wording of the policy is that 'Dispatchers may abandon.....'</p> <p>This provides an element of protection for dispatchers in terms of where responsibility rests in the event that the outcomes are less than ideal, and emphasises that ultimately control and command rests with the Pursuit Controller.</p>
Wellington	<p>The district feedback focuses on leadership and command and control as holding the most significant weight. As with any critical incident management leadership, command and control is pivotal.</p> <p>We wonder whether Comms have the skill set to command these events. As a district we are acutely aware that the Central Communication Centre often</p>	<p>It has been recognised that Comms staff, particularly new dispatchers, will require additional training around fleeing driver events. A Comms training framework is being developed to address this need.</p>

	<p>have Sgts who are acting as Comms Alpha (Inspectors) and may not have the necessary skills, knowledge or experience to command and apply an operational and organisational lens over the event.</p>	
CONCERNS RAISED – NON-COMPLIANT VEHICLE STOPS		
<p>Waitematā</p>	<ul style="list-style-type: none"> • We note concerns that the policy is silent on the use of force to end a pursuit under tactical options. We are aware of instances where Comms direct staff to use force to end the pursuit, under the powers of Section 39 of the Crimes Act. The policy does not appear to address this, beyond authorising AOS/STG to do it. We feel this needs to be addressed in the policy - either clearly ban it, or provide clear guidance. • s. 9(2)(g)(i) OIA  	<p>A background and options paper was prepared and presented to the FDAP Steering Group for consideration. The options were to;</p> <ol style="list-style-type: none"> a) Retain status quo, with AOS / STG members being trained and authorised to undertake non-compliant vehicle stops b) Train and extend authorisation to a small number of workgroups to undertake non-compliant vehicle stops in limited circumstances i.e. RP, PST. c) Train and extend authorisation to all staff to undertake non-compliant vehicle stops in limited circumstances. <p>The interim decision is to retain status quo while other aspects of the Fleeing Driver programme of work are being embedded.</p>
<p>Auckland City</p>	<ul style="list-style-type: none"> • s. 9(2)(g)(i) OIA  	<p>A separate piece of work be being carried out around vehicle rammings. Once this work has been completed, it may be that the decision around non-compliant vehicle stops is reconsidered in light of any findings and / or recommendations.</p>

Rele

	<p>s. 9(2)(g)(i) OIA [REDACTED]</p> <ul style="list-style-type: none"> s. 9(2)(g)(i) OIA [REDACTED] Low speed tactical stops of spiked vehicles could be authorised for use by suitably trained staff Dogs/ARV etc. Spiked cars travelling at low speed are a significant risk to the public. Low speed stopping is low risk – results in panel damage only. North Comms regularly approve this course of action. The Policy is outdated and should refer to high speed only. No change to policy here does at least allow the Pursuit Controller to continue to ‘support’ all reasonable steps to effect an arrest (i.e. by informing units that Section 39 of the Crimes Act is available to them), but that the decision in terms of the tactic employed is solely that of the Police driver. s. 9(2)(g)(i) OIA [REDACTED] 	
CONCERNS RAISED – PUBLIC TRUST AND CONFIDENCE		
Waitematā	s. 9(2)(g)(i) OIA [REDACTED]	Recommendation 5.3 of the Review required Police to introduce a requirement for officers to result the event as reported (K6) or

	s. 9(2)(g)(i) OIA [REDACTED]	<p>arrest (K9), record the event in NIA and complete follow-up inquiries if appropriate.</p> <p>The CARD and NIA systems have been updated, enabling the automatic creation of an investigation file for every fleeing driver event.</p>
Auckland City	s. 9(2)(g)(i) OIA [REDACTED]	<p>These events must now be resulted either K6 (reported) or K9 (arrest), as reflected in the proposed revised policy. Minimum standards and best practice in relation to the investigation of fleeing driver events are being developed.</p> <p>Where fleeing drivers are not apprehended at the time, it is important that all reasonable steps are taken to identify and hold these drivers to account. This will signal to both offending drivers and the general public, that Police are committed to preventing crime and victimisation and delivering on Our Targets. This will require strong messaging and consistent leadership across Police.</p> <p>The challenge for districts will be to prioritise the investigation of fleeing driver events against other competing demands.</p>
Office of the Commissioner	<p>We need to ensure that significant priority is given to investigating fleeing drivers who aren't apprehended at the time, including considerations for how we communicate this publicly.</p> <p>There is a strong need to deter this behaviour by increasing the likelihood of being apprehended.</p>	
OTHER		
Waitematā	s. 9(2)(g)(i) OIA [REDACTED]	<p>A TENR assessment is required to determine whether the risks associated with engaging in a pursuit of a stolen vehicle are outweighed by the threat posed by the driver and the necessity to immediately apprehend the driver and/or passengers.</p> <p>One of the examples in Appendix B currently states:</p> <p><i>Vehicle theft is defined as a serious offence. Targeting and catching offenders contributes to Our Mission of being the safest country. However, a property crime is unlikely to justify the risk of harm created by engaging in a pursuit.</i></p>
Waitematā	s. 9(2)(g)(i) OIA [REDACTED]	

	s. 9(2)(g)(i) OIA [Redacted]	
Auckland City	Persistent messaging around risk and appropriate mind-set is necessary. We have seen direct benefit where this has occurred and what the trend tends to be when the message isn't happening.	Strong messaging from the Executive will be required to support the relaunch of this policy. This will need to be consistently reinforced by leaders at all levels.

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Appendix B – Key Fleeing Driver Revisions.

Summary of Revisions and the Significance

Section of the Policy	Changes Made	Significance of the Change
Policy Standards and Principles	A pursuit is only justified when the risk of harm during the pursuit is outweighed by 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).	This reinforces the higher threshold needed to justify engaging in a pursuit. This makes it clear that it is unlikely, for example, a pursuit would be justified for a minor traffic violation or a property offence.
Decision to Stop a Driver	<p>Police will consider the likely impact of Police action or inaction on the risk of harm</p> <p>Considerations will include:</p> <ul style="list-style-type: none"> • Likely age of the driver, the impact of age on their decision-making ability and their driving experience. • Number and age of passengers and their likely influence on the driver. 	<p>By including a specific section on the Decision to Stop a Driver, this places greater emphasis on the use of TENR to determine whether and when to signal a driver to stop, and what action to take subsequently. This reinforces the fact that this is a decision point where Police are required to make an active and deliberate choice about whether to engage in a pursuit.</p> <p>The specific considerations aim to recognise that young people make up a significant percentage of our fleeing drivers, serious injuries and fatalities, and that their physiological brain development impacts on their decision making capability. As a consequence, Police need to take this into their TENR risk assessment.</p>
Decision to Pursue	New Pursuit Warning: <i>TENR acknowledged. Comms has Command. Safety is your priority.</i>	Dispatchers have been given the authority to abandon a pursuit where TENR has not been supplied, or is insufficient to justify a

		<p>pursuit (Recommendation 3.2).</p> <p>The pursuit warning has been revised to reflect the requirement to provide TENR, and clarifying that Police Communications have Control and Command (Recommendations 3.1 and 3.4).</p>
Responsibilities During a Fleeing Driver Event	<p>Plan to resolve the pursuit as safely as possible and communicate this plan, and any subsequent revision of the plan.</p>	<p>This adjustment reinforces the fact that Pursuit Controllers have control and command of fleeing driver events, and therefore are responsible for actively managing the event as safely as possible.</p>
	<p>DCCs have no Command role in fleeing driver events.</p> <p>A direction to abandon may be given by:</p> <ul style="list-style-type: none"> • Lead and secondary driver and passenger • Field Supervisor • Dispatcher (in limited circumstances) • Pursuit Controller <p>DCCs, ASU and any other person may provide situational intelligence to inform TENR risk assessments and decision making.</p>	<p>By clarifying that District Command Centres have no command over fleeing driver events, this reinforces that the control and command function sits with Police Communications. This removes duplicity and confusion, which is critical given the fast-paced nature of fleeing driver events.</p>
Abandoning a Pursuit	<p>Must not continue to actively search for the offending driver unless specifically directed by the Pursuit Controller.</p>	<p>Although the 'search phase' was removed from policy in 2016, in practice, this has simply been replaced by the 'inquiry phase'.</p> <p>This addition to the policy explicitly states that our people may not engage in any activity which reflects 'search phase' behaviour. This seeks to mitigate the risk posed by people engaging in urgent duty driving post abandonment to get to the last known location of the vehicle.</p>
Responsibilities After a Fleeing Driver	<p>Where there is a necessity for immediate follow up inquiries, the Pursuit Controller will direct an</p>	<p>To eliminate search phase-like behaviour, this adjustment ensures that Pursuit</p>

Event	available supervisor to lead.	Controllers will direct immediate inquiries if these are required. In all other circumstances, an investigation will be undertaken to identify the driver and hold them to account.
	<p>Greater emphasis on debriefs (Pursuit Controller and Field Supervisor)</p> <p>Greater emphasis on the review process (District Reviewers)</p>	<p>The requirement to debrief Fleeing Driver events has been incorporated into policy. A specific Fleeing Driver template has been created and added as an appendix to the Debrief Policy. The Debrief / Observations form on Checkpoint has been updated to include Fleeing Driver events. Collectively, these changes should encourage routine debriefs of Fleeing driver events, and the ability to capture lessons learned / best practice.</p> <p>Greater emphasis on the review process (Recommendation 5.6 and 5.7) will ensure that pursuits are justified, and that our people make sound decisions that maximise safety, and are consistent with policy and legislation.</p>
Commencing a New Fleeing Driver Event Post Abandonment	There will be very few circumstances where a TENR risk assessment will justify re-engagement with a vehicle or driver involved in a previously abandoned pursuit.	<p>This clarifies that there are few circumstances where there is justification to re-engage in a previously abandoned pursuit i.e. where the TENR risk assessment has significantly changed.</p> <p>This also seeks to address 'search phase' type behaviour where units are actively looking for the vehicle / offending driver post abandonment.</p>
Air Support Unit	If a vehicle is being tracked by ASU but has not been signalled to stop, this policy must still be	This is an addition to the policy which acknowledges that events in which ASU are involved, carry similar risks as fleeing driver

	followed	<p>events.</p> <p>For example, a suspect vehicle linked to an aggravated robbery is located by ASU, who maintain observations and provide commentary while a tactical plan is being developed. Because the driver has not been signalled to stop, technically this is not a fleeing driver event, although the same TENR considerations are applicable.</p>
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Revisions resulting directly from Recommendation Work Streams

Recommendation	High level Actions	Outcome
<p>Recommendation 5</p> <p>Police will strengthen the accountability mechanisms of fleeing driver events, including improvements to post-event follow up, district review, and national oversight processes</p>	<p>5.1 Create a new CARD/NIA event code for a fleeing driver event.</p> <p>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</p> <p>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.</p> <p>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.</p> <p>5.5 Assess the benefits of incorporating the fleeing driver notification form into the tactical options reporting database.</p> <p>5.6 Assess the feasibility of introducing the ability for District Reviewers to review the Comms</p>	<p>The focus of Recommendation 5 is on process elements that are related to, but largely fall outside of the Fleeing Driver policy.</p> <p>These process elements will assist in embedding the revised policy into practice; requiring strong accountability measures for fleeing driver events through District review processes.</p> <p>The revised policy incorporates action point 5.2, requiring all fleeing driver events to be resulted with either K6 or K9.</p> <p>Action points 5.6 and 5.7 have been incorporated into the District Reviewer’s responsibilities.</p>

	<p>audio recording as part of their review process.</p> <p>5.7 Establish a mechanism for national oversight of fleeing driver events.</p>	
<p>Recommendation 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.</p>	<p>6.1 Review the current role of Air Support Unit in the command and control structure.</p> <p>6.2 Identify opportunities where the role of the Air Support Unit could be formally extended – for example, empowering authorised follows.</p>	<p>A background document and options paper were considered by Steering Group. The decision was that ASU will hold no command and control role, and that the Pursuit Controller may direct a range of tactical responses. The ASU section of the revised policy has been updated to reflect these decisions.</p>

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Appendix C – 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 on a daily basis, 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 occupants and Police staff.

Safety is the paramount consideration when initiating and resolving any fleeing driver event. This will be achieved through the use of ongoing TENR risk assessments and a clear and common understanding and application of roles and responsibilities.

How

The decision to signal a driver to stop, to commence, continue or abandon a fleeing driver event 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 minimize harm and maximize 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 during a pursuit.

Each pursuit will be reviewed to determine whether it was:

- appropriate,
- lawful,
- justified, taking into account all of the circumstances in front of them
- compliant with Police Instructions, and
- whether there are lessons to be learnt and applied.

Overall principles

- An investigation is preferred over the commencement or continuation of a pursuit.
- Safety of the public, vehicle occupant(s) and staff takes precedence over the immediate apprehension of a fleeing driver.
- A pursuit is only justified when the risk of harm during the pursuit is outweighed by 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).
- Police will consider the likely impact of Police action or inaction 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.
- Sound decision making, demonstrating appropriate application of TENR regarding the initiation, continuation or abandonment of a fleeing driver event will be supported.
- All fleeing driver events will be investigated to identify the offender 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:

- Critical Incident 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 and signaling a driver to stop may initiate a fleeing driver event.

Because of the inherent risks, a TENR risk assessment must be completed before signaling the driver to stop.

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 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.

Having made a decision to signal the driver to stop, the initiating officer will also make a decision (prior to activating lights and sirens) about whether or not to commence a pursuit if the driver fails to stop or remain stopped.

If the TENR risk assessment leads to the conclusion that a fleeing driver event is likely, and the decision is made to signal the driver to stop, Police Communications must be advised of:

- A summary of the TENR risk assessment
- The tactical options considered (including ASU where available), and
- The intention to signal the driver to stop
- Whether or not a pursuit is going to be initiated if the driver fails to stop

TENR	Considerations include but are not limited to:
What is the threat posed by the driver and/or vehicle occupants?	<ul style="list-style-type: none"> • Reason for stopping, e.g. vehicle and licence check, breath testing, traffic or criminal offence • The broader threat posed by the driver • The safety of other road users and yourself • Identity of the driver and/or passengers
What are the risks if the driver is not stopped?	<ul style="list-style-type: none"> • Likely age of driver, the impact of age on their decision making ability and driving experience • Number and likely age of passengers and their influence on the driver
What impact is your action or inaction likely to have on the risk of harm?	<ul style="list-style-type: none"> • Manner and speed of driving • Environmental circumstances (e.g. road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behavior and condition of vehicle
What alternative options are there for resolving the event safely?	<ul style="list-style-type: none"> • Likelihood of the driver failing to stop when signaled to do so e.g. driver of a stolen vehicle

Driver fails to stop after signalling

Regardless of the reason, all drivers who fail to stop when signaled 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 signaled to stop by Police, or
- Consciously and deliberately fails to stop or remain stopped.

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

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

If the driver fails to stop when signaled to do so, Police will make a decision whether to;

- a) not engage in a pursuit and seek to resolve the matter through alternative action, or
- b) commence a pursuit

Decision to pursue

If the decision is made to commence a pursuit, a summary of the threat, exposure and necessity must be communicated to Police Communications.

Appendix B provides examples of the type of communication expected.

Radio protocol

Step	Action
1	<p>Police driver/passenger must advise the Dispatcher of the pursuit, as soon as practicable, including their justification for the pursuit if not already provided.</p> <p>“Comms, {Call sign}, in pursuit. [Direction] on [road]. Previous TENR applies.”</p> <p>Alternatively;</p> <p>“Comms, {Call sign}, in pursuit. [Direction] on [road].”</p> <p>Dispatcher acknowledges.</p> <p>“{Call sign}, go ahead”</p> <p>The unit must provide a summary of the threat, exposure and necessity to pursue based on a TENR risk assessment.</p> <p>The Dispatcher may abandon the pursuit where a summary of the TENR risk assessment has not been provided or is insufficient to justify a pursuit.</p>
2a	<p>If the Dispatcher is satisfied that a summary of TENR has been adequately communicated, they acknowledge by issuing the pursuit warning.</p> <p>“{Call sign} TENR acknowledged. Comms has command. Safety is your priority.”</p>

Responsibilities during a fleeing driver event

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

The table below defines roles and responsibilities during a fleeing driver event.

<p>Lead vehicle driver</p> <p>and/or</p> <p>Police constable passenger</p>	<ul style="list-style-type: none"> • Ensure warning lights and sirens are activated. • Notify Police Communications as soon as practicable that a pursuit has been entered into including the TENR assessment justifying the pursuit location, direction, vehicle description. • Acknowledge the pursuit warning from Police Communications. • Continuously perform a TENR assessment to assess whether the risks associated with the pursuit are justified. • Ensure all information relevant to risk is communicated to Police Communications. • Comply with all directions from the Dispatcher or Pursuit Controller. • Abandon the pursuit if their TENR risk assessment supports this response. <p>Note: notwithstanding the above, no driver can be directed to commence or continue a fleeing driver pursuit against their judgement.</p>
<p>Dispatcher</p>	<ul style="list-style-type: none"> • Acknowledge notification of the TENR risk assessment and pursuit by providing the pursuit warning. • May abandon the pursuit where a summary of the TENR risk assessment has not been provided or is insufficient to justify a pursuit. • Conveys the TENR risk assessment justifying the decision to pursue to the Pursuit Controller.

	<ul style="list-style-type: none"> • Maintains essential radio communications with all units. • Complies with all directions from the Pursuit Controller. • If no Pursuit Controller or Team Leader is available, must direct the abandonment of a pursuit.
Secondary vehicle driver and /or Police constable passenger	<ul style="list-style-type: none"> • Continuously perform a TENR assessment to assess whether the risks associated with the pursuit are justified. • Ensure warning lights and sirens are activated. • Notify Police Communications as soon as practicable they are the secondary vehicle. • Acknowledge the pursuit warning from Police Communications. • Follow behind the lead vehicle at a safe distance to provide support and tactical options. • Take over the pursuit commentary if the lead vehicle is single crewed. • Comply with all directions from the Dispatcher or Pursuit Controller. • Direct the abandonment of the pursuit if their TENR risk assessment supports this response.
Pursuit Controller	<ul style="list-style-type: none"> • Is responsible for overall command and control of the fleeing driver event. • Ensures an adequate TENR risk assessment has been provided. • Ensures the pursuit warning has been given and acknowledged by the lead vehicle, and secondary vehicle if present • Continuously performs own TENR assessment to assess whether the risks associated with the pursuit are justified. • Plan to resolve the pursuit as safely as possible and communicate this plan, and any subsequent revision of the plan. • Direct the abandonment of the pursuit where: <ul style="list-style-type: none"> - Their TENR risk assessment supports this response 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. - Pursuing unit(s) have lost contact with the fleeing driver. - Sustained loss of communication with pursuing unit(s). • If available resources allow: <ul style="list-style-type: none"> - Ensure a secondary vehicle takes over the pursuit commentary if the lead vehicle is single-crewed - Replace unmarked vehicles (category B) with marked vehicles (category A) at the earliest opportunity - Replace a single crewed lead vehicle with a two person unit as soon as practicable. • Limit the number of Police units following the fleeing driver to no more than two, unless tactically appropriate. • Coordinate tactical units and options to safely resolve the event (including the Air Support Unit where available). • Monitor situation reports to ensure sufficient and relevant information is provided to enable informed decision making. • Broadcast the reason for abandonment to all units if the pursuit is abandoned.
Field Supervisor	<ul style="list-style-type: none"> • Maintains supervisory oversight. • Provides support to staff and the Pursuit Controller, avoiding direct involvement in the pursuit where possible. • Continuously performs own TENR assessment to assess whether the risks associated with the pursuit are justified. • Directs abandonment of the pursuit if their TENR risk assessment supports this response.
Other units responding as a tactical option,	<ul style="list-style-type: none"> • Must cease all non-essential radio communication. • Must not follow behind the fleeing driver pursuit unless directed or approved to do so by the Pursuit Controller. • Notify the Pursuit Controller of location and tactical options available.

including ASU	<ul style="list-style-type: none"> • Ensure their tactical response assists with the safe management of the fleeing driver event. • Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit are justified. • Comply with all directions from the Dispatcher or Pursuit Controller.
All other units	<ul style="list-style-type: none"> • Must cease all non-essential radio communication.
District Command Centre (DCC) and NCCC	<ul style="list-style-type: none"> • Have no Command role in fleeing driver events. • May provides situational intelligence to staff and the Pursuit Controller.

Communication and TENR during a fleeing driver event

Communication

Staff responsible for providing communication during the fleeing driver event must provide timely and relevant sit-reps to Police Communications.

The priority is to convey the highest relevant risk information early to inform the Pursuit Controller's TENR risk assessment, enabling effective command of the fleeing driver event.

TENR risk assessment during a fleeing driver event

Continuous TENR risk assessments must be carried out by all staff involved in a fleeing driver event, including other Police units responding as a requested tactical option, until the pursuit is resolved or abandoned.

This includes identification and communication of risks to inform TENR risk assessments and decision making.

TENR	Considerations include but are not limited to:
What is the threat posed by the driver?	<ul style="list-style-type: none"> • Frequency and sufficiency of sit-reps (continuing TENR). • Whether a fleeing driver was driving normally prior to being signaled to stop, but is now driving in a dangerous or reckless manner due to Police presence.
What are the risks if the driver/vehicle is not stopped?	<ul style="list-style-type: none"> • Changed circumstances e.g. road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behavior, and condition of vehicle. • Nature and seriousness of offence(s) committed or about to be committed.
Who may be exposed to harm as a result of a pursuit?	<ul style="list-style-type: none"> • Identity of the driver and/or passengers. • Likely age of driver, the impact of age on their decision making ability and driving experience • Number and age of passengers and their likely influence on the driver.
What impact is your action / inaction likely to have on the risk of harm?	<ul style="list-style-type: none"> • Safety of all road users, including Police. • Manner and speed of driving. • The broader threat posed by the driver. • Vehicle type i.e. motorcycle, heavy vehicle • Could the event be resolved by alternative means such as an investigation?
What alternative options are there for resolving the event safely?	<ul style="list-style-type: none"> • Is continuing the pursuit worth the risk of causing death or serious injury to any person?

Abandoning a pursuit

Decisions to abandon a pursuit will be supported.

When a TENR risk assessment supports abandonment of the pursuit, the following procedure and radio communication protocols must be followed.

Radio protocol

Dispatcher	<p>Must abandon the pursuit where a summary of the TENR risk assessment has not been provided or is insufficient to justify a pursuit.</p> <p>"All units from Comms. Abandon pursuit now – {reason for abandonment}."</p>
<p>Lead and secondary vehicle driver and / or Police constable passenger</p> <p>Field Supervisor</p>	<p>Must abandon a pursuit if their TENR assessment supports this response.</p> <p>"All units from {call sign}. Abandon pursuit now – {reason for abandonment}"</p>
Pursuit Controller	<p>Must abandon a pursuit if:</p> <ul style="list-style-type: none"> • Their TENR risk assessment supports this response. • 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. • Contact has been lost with the fleeing driver. <p>"All units from Comms Alpha. Abandon pursuit now - {reason for abandonment}."</p>

Action when directed to abandon pursuit

Following a direction to abandon a pursuit, all units must carry out the following:

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:
"Comms {Call sign}. Stationary at {location e.g. 123 Henry St}."
6. Must not continue to actively search for the offending driver post abandonment, unless specifically directed by the Pursuit Controller.
7. Resume normal duties or deploy to other events as directed by Police Communications.

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.

Dispatcher	<ul style="list-style-type: none">• Ensure a CARD event has been entered for the fleeing driver event and is resulted with either a K6 or K9 as appropriate.
Pursuit Controller	<ul style="list-style-type: none">• Ensure the 'Comms' section of the Fleeing Driver Notification form is completed as soon as practicable after the fleeing driver event, but no later than the end of shift.*• Debrief with Comms and District staff to identify areas for improvement and reinforce best practice.
Lead Vehicle Driver and / or Constable Passenger	<ul style="list-style-type: none">• Advise Comms to result the fleeing driver event either K6 or K9.• Ensure the 'Pursuit Details' section of the Fleeing Driver Notification form is completed by the end of shift.*• Ensure that a NIA file is created and updated by the end of shift.*• Where a Health and Safety Incident or near miss has occurred, a MyPolice incident or near miss must be recorded by the end of shift.*
Field Supervisor	<ul style="list-style-type: none">• Debrief with Comms and District staff to identify areas for improvement and reinforce best practice.• Ensure the Fleeing Driver Notification form and NIA records are updated before the end of shift.*• 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.• Review and approve the Fleeing Driver Notification form within 5 days*.• Ensure required Health and Safety reporting has been completed.• Ensure an investigation is completed to identify the offender and hold them to account.
TDD deploying officer	<ul style="list-style-type: none">• Ensure the 'TDD Details' section of the Fleeing Driver Notification form is completed by the end of the shift*.
District Reviewer	<ul style="list-style-type: none">• Review the Fleeing Driver Notification forms to ensure compliance with this chapter, within 5 days* of the review request.• Review the Police Communications audio recording• Review any ASU footage in conjunction with an ASU representative in compliance with the Digital Media Policy.• Identify and effectively manage or escalate any health and safety risks, training issues, systemic issues or lessons learnt.• Ensure all fleeing driver events have a corresponding NIA record.• Comply with any national review process.

* 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

Where staff are aware that a driver / vehicle has been involved in a recent pursuit which has been abandoned, the driver should not be signaled to stop unless there has been a significant and material change in the threat posed by the occupants of that vehicle.

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

Permission must be obtained from the Pursuit Controller before;

- a) signaling 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) justifies the risk.

If permission to signal and pursue is granted, the Pursuit Controller must communicate a clear plan to resolve the fleeing driver event if the driver fails to stop for a second time.

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 re-engagement with a vehicle or driver of a previously abandoned pursuit is a new fleeing driver event, and will follow this policy.

When the pursuit has been abandoned and a new fleeing driver event is not authorised by the Pursuit Controller, all units will redeploy.

Radio protocol

Step	Action
1	Police driver/passenger calls Police Communications: Unit provides the following information: <ul style="list-style-type: none"> • A summary of the threat, exposure and necessity to pursue based on a TENR risk assessment • Location • Direction of travel <p>“Comms, {Call Sign} Permission to signal”</p>
2	Only the Pursuit Controller may decide whether the fleeing driver will be signaled to stop and advises the requesting officer of their decision. <p>“{Call Sign} from Comms. Permission denied - {Reason}”</p> or <p>“{Call Sign} from Comms. Permission to signal granted. Permission to pursue denied.”</p> or <p>“{Call Sign} from Comms. Permission to signal and pursue granted.”</p>

Tactical options available

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

Tactical option	Initiated by ...	Conditions
Abandon	Lead or secondary unit drivers or constable passengers, Field Supervisor, Pursuit Controller or Dispatcher	Must be abandoned if directed by any of these people. Abandonment procedures must be followed.
Air Support Unit (ASU)	Pursuit Controller	Must be considered when available and suitably qualified staff can maintain observations and/or provide commentary to the Pursuit Controller.
AOS or STG Non-compliant vehicle stop	AOS or STG commander	May only be conducted by AOS or STG members who are trained in the tactic.
Dog Unit	Pursuit Controller or Dog Unit	The dog unit may be in addition to the lead and secondary vehicle. Dogs must notify the Pursuit Controller if they are available to join a pursuit.
Investigation	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. inquiries with the registered person.
Temporary road closure	Pursuit Controller	Refer to the 'Traffic Patrolling Techniques' chapter.
Tyre Deflation Devices (TDD)	Pursuit Controller, trained Police employees in exceptional circumstances, Police Communications shift commander for deployments on heavy vehicles	A tyre deflation device may be deployed to stop the vehicle and apprehend the fleeing driver, providing deployment meets the requirements of the ' <u>Tyre deflation devices</u> ' chapter. Note: This tactical option is under review with no adjustments to policy at present.

Subsequent 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 situations where a driver was signalled to stop, and failed to do so, but a pursuit was not initiated.

If the fleeing driver is not apprehended at the time of the pursuit, the Field Supervisor has primary responsibility for ensuring a NIA record 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.

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 through the use of 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 Police Communications 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 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 signaled 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 assessment (e.g. armed driver 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.

Appendix A – Fleeing Driver TENR Decision Making Tool

To assist our people make sound decisions in relation to fleeing driver events, a Fleeing Driver TENR decision making tool has been developed. This is currently being trialled in recruit driver training and PPDP training. Once finalised and approved, this will be added as Appendix A.

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Appendix B – Summary of TENR to Verbalise to Comms

The examples below have been provided below to assist our people understand what is expected in relation to communication around TENR. These may require some adjustment to align with the Fleeing Driver TENR decision making tool (Appendix A) once this is finalised.

1. Urban location - 0200hrs

Threat: *Following a [vehicle description]. Smashed rear window. Manner of driving currently good.*
Exposure: *Looks three up. No other traffic. Heading [direction] on [road].*
Necessity: *Suspected stolen vehicle (low)*
Response: *Likely to flee. DCC / Comms / TOC / Eagle – can you get this on camera? Comms – can we get some extra units to our location?*

Vehicle theft is defined as a serious offence. Targeting and catching offenders contributes to Our Mission of being the safest country. However, a property crime is unlikely to justify the risk of harm created by engaging in a pursuit.

2. 1U complaint

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

Driver poses a certain and ongoing threat to 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: *Not in pursuit (minor)*
Response: *Person is [name]. 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.

Appendix C – Key roles and definitions

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

Term	Definition
Abandon	Permanently abandon the fleeing driver pursuit.
Air Support Unit (ASU)	<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"> • Take over primary responsibility for providing commentary • Assist in the coordination of ground units to resolve the fleeing driver event safely
Dispatcher	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 if no TENR assessment has been supplied by the pursuing unit.
District Command Centre (DCC) and NCCC	Have no Command role in fleeing driver events
District Reviewer	Nominated by the District Commander to review fleeing driver events in their district.
Field Supervisor	The field supervisor overseeing the incident. This may be different to the pursuing officer's line supervisor.
Fleeing driver	A driver who has been signaled to stop by a constable but fails to stop or remain stopped.
Investigation	Subsequent inquiries carried out to identify and hold the fleeing driver and/or any other offenders to account.
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 initiated the fleeing driver event, or the driver of the vehicle that has replaced the initial pursuit vehicle at the direction of the Pursuit Controller.
Police constabulary passenger	A constable who is a passenger in the lead or secondary vehicle.
Pursuit Controller	The Police Communications shift commander who manages the fleeing driver event. If a Police Communications shift commander is unavailable, a constabulary team leader may undertake the role of Pursuit Controller. In exceptional circumstances, this may be a Police employee who is not a constable.
Secondary vehicle	The second Police vehicle in a fleeing driver pursuit that follows the lead vehicle.
Signaling a driver to stop	Driver is signaled 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.
Tactical units/s	Any Police officer not actively pursuing the fleeing driver but available to carry out tactical options as directed by the Pursuit Controller.
TENR	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.

Urgent duty driving	<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">• responding to a critical incident• gathering evidence of an alleged offence• apprehending an offender for an alleged traffic or criminal offence• responding to a fleeing driver event in accordance with the Fleeing driver policy• providing security to, and facilitating the movement of, an official motorcade as part of an operation (as established in the relevant Operation Orders)• engaged in activities approved by the Commissioner in writing <p>and are relying on the defences 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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