

8 March 2021

REF NUMBER: IR-01-21-53

J Stewart
fyi-request-14388-f262383c@requests.fyi.org.nz

Dear J Stewart

I refer to your Official Information Act 1982 (OIA) request dated 4 January 2021 for information relating to the Fleeing Driver Policy.

You requested:

1. *The list of questions/scenarios given to staff during the online training and the answers to those.*

The Fleeing Driver training module, which includes questions and scenarios, is attached for your reference. The correct answers have been highlighted.

Please note that information relating to a person, vehicle registration or an address bears no resemblance to an actual event and has been made up for the purposes of the training.

The exception is the one example listed in lesson 11 of 14 under 'Investigation'. Identifying information has been withheld pursuant to section 9(2)(a) of the OIA, as the withholding of the information is necessary to protect the privacy of natural persons.

2. *A copy of the pursuit policy.*

The following policy has been attached for your reference.

- 'Fleeing Driver Policy'

Please note that some information has been redacted pursuant to section 6(c) of the OIA, as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Please also note that Fleeing Driver Policy itself is not new. The latest version of this policy was revised to give effect to the recommendations that resulted from the joint New

Police National Headquarters

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Zealand Police and Independent Police Conduct Authority joint thematic review into fleeing drivers. You can find more information about this review at the following link:

- <https://www.ipca.govt.nz/Site/publications-and-media/2019-reports-on-investigations/2019-mar-15-fleeing-driver-joint-thematic-review.aspx>

You have the right, under section 28(3) of the OIA, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



Superintendent Steve Greally
Director: National Road Policing Centre



Fleeing driver

A fleeing driver is 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.

This training refreshes your knowledge of our Fleeing driver policy and your understanding of how we respond to fleeing driver events in a way that is aligned with Our Business. It emphasises the importance of applying TENR when deciding to signal a driver to stop, and whether to commence, continue or abandon a pursuit. It also covers our responsibilities after a fleeing driver event.

☰ Introduction

POLICY PRINCIPLES

☰ Fleeing driver policy

☰ Risk Mindset

☰ TENR

🔍 Knowledge Check 1

DECISION TO STOP

☰ Safe Roads

DECISION TO PURSUE

☰ To pursue or not?

📄 Knowledge Check 2

DECISION TO ABANDON

☰ Abandon pursuit

📄 Knowledge Check 3

POST EVENT

☰ Holding fleeing drivers to account

📄 Knowledge Check 4

BE SAFE

☰ Debriefs and Lessons Learnt

CONCLUSION

☰ End of course

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Introduction

Introduction

Start this training by listening to a message from our Commissioner.



Transcript

Kia ora koutou

When we undertake a pursuit, there's a very real risk that someone may die or be seriously injured. This could be the occupants of the fleeing vehicle, ourselves or another road user.

As a high-risk tactical response, the decision to pursue must not be taken lightly. It needs to be given the same consideration that we would give any other time we're using lethal force.

We need to carefully think about the initial reason for wanting to stop the driver. Does it outweigh the very serious risks of our pursuit, namely death or serious injury? Correctly determining whether this reason for wanting to stop the vehicle outweighs that risk is absolutely key.

Secondly, we need to think carefully about whether a pursuit is the best option or whether there's another way that we could resolve the situation. And ideally, we need to do that before we signal the driver to stop.

When I think about this, I think about it this way. If one of our family members or a friend was in the path of that pursuit, would it be justified for us to be behind them at the speeds we're going with the risk that it poses?

Thanks very much.

To complete this training

- This training will take approximately 20-25 minutes to complete. Work through each section, watch each short video clip and complete the activities.
- If you are on a police phone, then turn the phone to landscape view to complete the activities.
- Some sections include a quiz that requires a score of 100% to pass. Multiple attempts are allowed. You may have to click on the page at the bottom of the quiz results screen to progress. Alternatively, use the navigation menu on the sidebar.

Fleeing driver policy

Think about it....


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

Safety is the paramount consideration.

Review the overall principles of the policy.

- Safety of the public, vehicle occupant(s) and Police staff takes precedence over the immediate apprehension of a fleeing driver.
- A driver failing to stop or remain stopped, 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 vehicle occupant(s) prior to signalling the driver to stop, 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, 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.

 Check the boxes above to show you understand.

Check that you understand each definition.

FLEEING DRIVER	POLICE PURSUIT
<p>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.</p> <p>The decision to flee from Police is a decision made by the driver of the vehicle.</p> <p>They choose to flee.</p>	

A high risk, tactical response to a fleeing driver event.

The decision to commence a pursuit is a decision made by the officer who signalled the driver to stop.

We (Police) decide whether to pursue.



Take a closer look at the Fleeing driver policy.

Fleeing driver policy

This link takes you to the policy.

Note: Only available on laptop or desktop.

LINK

Scroll down to the next lesson.

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Risk Mindset

Managing risk is what we do every day.



Superintendent Kelly Ryan, National Manager, Emergency Communications Centres

About you

How do you approach risk? Would you describe yourself as having a low tolerance of risk or a high tolerance of risk? How would your colleagues describe you?

LOW RISK TOLERANCE

HIGH RISK TOLERANCE

Staff who have low risk tolerance believe that holding offenders to account is secondary to ensuring the safety of all.

Having a low risk tolerance does **not** mean you think that apprehending offenders is not important. What it means is that you prioritise safety. In situations where a driver creates an even greater risk if they are not apprehended, staff with low risk tolerance will seek a safe way to resolve the event.

LOW RISK TOLERANCE

HIGH RISK TOLERANCE

Staff who have a high risk tolerance hold the view that maintaining public safety is best achieved by immediately apprehending offenders to hold them to account.

Having a high risk tolerance can affect the assessment of unfolding situations. If upholding the law is paramount, then a person having a high risk tolerance will justify any identified risks to immediately apprehend the offender.

Identifying risks

What are some of the known risks in a fleeing driver event?

The thematic review of *Fleeing Drivers in New Zealand* carried out by Police and the IPCA found that frontline staff primarily focused on identifying risks related to the **environment** in which the pursuit was happening. Often, they identified the fleeing driver's **manner of driving** as a risk to the public. Some staff included **excessive speed of everyone** involved as a risk factor, but others didn't.

A key issue was that staff rarely considered their **own contribution to risk**, e.g. *what effect is my presence having on the driver's behaviour?*

Research tells us there is increased risk of harm when the fleeing driver and vehicle occupants are **young people**. It's clear we need to pay more attention to this risk factor when we decide how to respond to a fleeing driver.

Watch the video to learn about the dispatcher's role in relation to managing risk.



Superintendent Kelly Ryan, National Manager, Emergency Communications Centres

{Call sign} from Comms:

"Advise reason for signalling the driver to stop."

I UNDERSTAND

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TENR

The overriding principle when applying TENR is:

Safety is success

Every effort must be made to minimise harm and maximise safety.

TENR in action

TENR informs our decision to signal a driver to stop. Our response is the end result of the TENR risk assessment and decision making process. Options may include:

- Choosing not to signal the driver to stop and following up with an investigation.
- Forming a plan before signalling a driver to stop i.e. coordinating other units.
- Signalling the driver to stop, having already made the decision about whether to pursue or not, should the driver fail to stop.

Before signalling a driver to stop, we need to be clear about the actual or known threat posed by the vehicle occupant(s) and the risk created by a pursuit.

Flip the cards to see the questions.

T_{ENR}

THREAT

What is my initial **reason** for wanting to stop the driver?

What is the **threat** posed by the driver / vehicle occupants?

E_{NR}

EXPOSURE

Who may be harmed if the **driver flees**?

Who may be harmed if **I choose to pursue**?

N_{NR}

NECESSITY

Does the need to pursue **outweigh** the risk of death or serious injury?

Is the **identity** of the driver

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NECESSITY

/ occupants known?

TEN **R**
RESPONSE

Are the **risks of pursuit** greater than the **initial risk** posed by the driver? Is **my** plan **proportionate** and **appropriate** for the situation?



“ Some aspects of our role have much more risk around it than others. When an officer is making a decision to stop a vehicle, they need to go through TENR.

Assistant Commissioner Sandra Venables

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TENR is a **continuous process** which **informs our response** to every event. We need to consider TENR when an incident occurs, as it evolves, through until its conclusion.

Checkpoint

Use Checkpoint to be up to date with TENR decision making.

Checkpoint > Operational > Fleeing Drivers

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CONTINUE

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Knowledge Check 1

Check your understanding of the Policy principles.

Each question has **one** correct answer.

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Question

01/04

Does the fact that a driver is fleeing, in itself, justify a pursuit?

- Absolutely. If the driver chooses to flee then it's obvious they must have committed a serious offence.
- No. A pursuit is only justified when the threat posed prior to the pursuit commencing, outweighs the risk of harm created by the pursuit.
- Yes. If we don't immediately pursue them, then we're not keeping the roads safe for the public.

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Question

02/04

Does the safety of the public, vehicle occupant(s) and our people take precedence over the immediate apprehension of the fleeing driver?

- Yes. The safety of everyone is the paramount consideration.
- No. We have to take immediate action to maintain public trust and confidence.
- No. We can't let offenders get away. It's our job to take risks to apprehend them.

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Question

03/04

What is the preferred response to a fleeing driver event?

-
- A well managed investigation is a safer option than pursuing a fleeing driver.
 - We should pursue because the driver must have something to hide.
 - Deactivate lights and sirens and take no further action.

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Question

04/04

When must you **first** consider TENR?

- Before signalling a driver to stop as it informs my decision about how I will respond.
- TENR risk assessment is only relevant once I am in pursuit of a fleeing driver.
- TENR is not relevant to stopping drivers - I wouldn't do one.

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Safe Roads

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

What we do

Every day we routinely signal drivers to stop for reasons including licence checks, breath testing, traffic offending and criminal offending. We stop drivers to keep our roads safe, and to prevent harm and crime and we know that **most drivers stop when signalled**.

Prior to signalling a driver to stop, consider.....

- 1 What is the initial reason for wanting to stop the driver?
- 2 Does the actual or known threat posed by the vehicle occupant(s) outweigh the risk of harm created by a pursuit?
- 3 Does the type of vehicle / time of day / location / manner of driving suggest the driver is unlikely to stop when signalled?
- 4 What alternative action could you take to apprehend the driver and/or vehicle occupant(s) safely?

Watch the video and think about the risk we face when we decide to stop a vehicle.



Senior Sergeant Todd Webley, PST Supervisor

Confirm

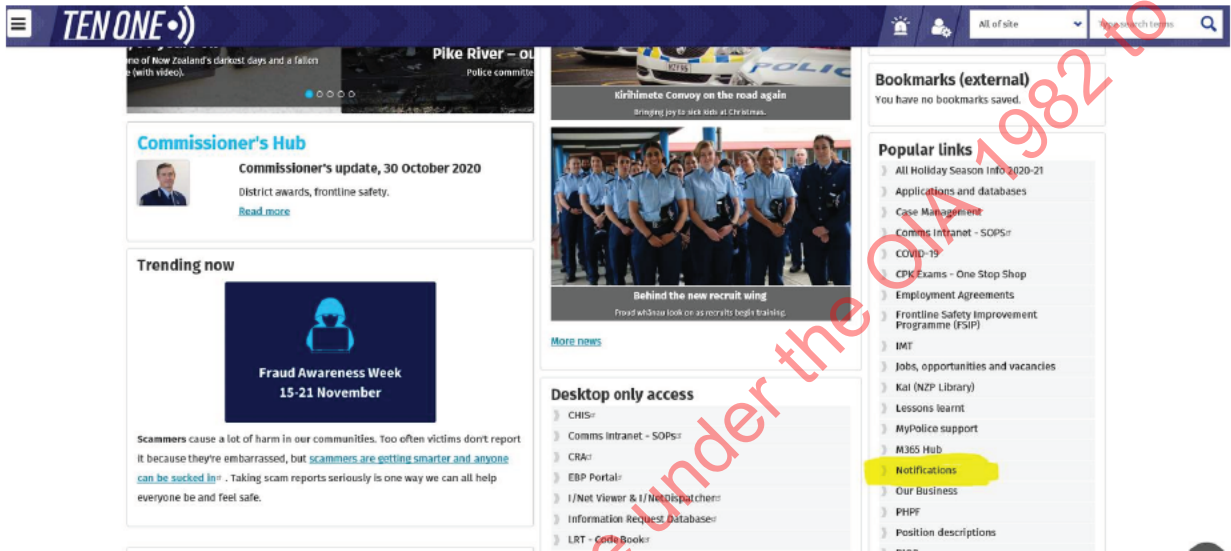
When do you make the decision about whether you will pursue a driver if they fail to stop or remain stopped?



Make the decision about whether to pursue if the driver flees, **before** activating lights and sirens to signal the driver to stop.

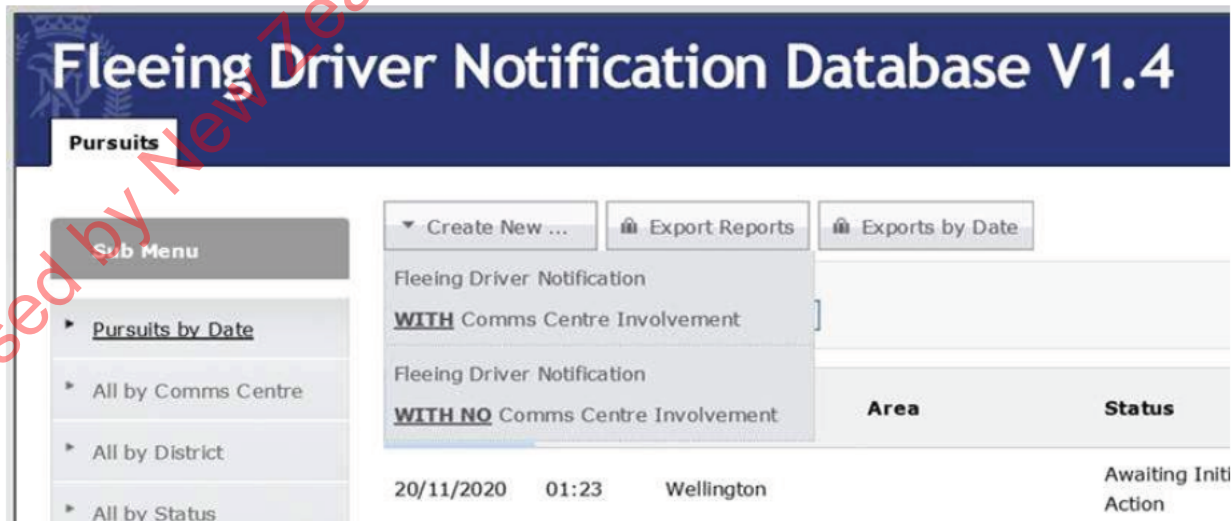
When a driver flees

Units involved in a fleeing driver event **must** complete a Fleeing Driver notification even when the decision is made to not pursue. In this situation, the most appropriate reporting is likely to be Create New / Fleeing Driver notification WITH NO Comms Centre Involvement.



Fleeing Driver Notification Database

The Fleeing Driver notification will soon be located in a new Tactical Database available on Police desktop computers and laptops.



Read about some of the developments that have been made to the report form.

Fleeing Driver notification

The new form has a modern look and feel for clearer and simplified reporting of non-pursuit fleeing driver events.

It also has improved functionality eg:

Parallel workflow – staff will not have to wait for colleagues to finish reporting their involvement before being able to contribute.

Multiple reporting – multiple people can report on a role in the event. For example, a pursuit in which command was transferred between North and Central Comms (and both need to report their account of the event). Or events involving multiple lead and/or TDD units.

Reviewer efficiencies – reviewers can send individual sections back for changes without having to send the whole report.



Tactical Database

Welcome
BLACKBURN, TIG



Report Incident



My Work



Access



Search Reports



Dashboard



Training



I UNDERSTAND

To pursue or not?

A pursuit is only justified when the threat posed by the vehicle occupant(s) prior to signalling the driver to stop, and the necessity to immediately apprehend the driver and/or passenger(s), outweighs the risk of harm created by the pursuit.

Times have changed..... Watch the video to listen to an experienced colleague share his thoughts on pursuits.



Inspector Mike Coulter, Operations Manager, Emergency Communications Centre

Just as there are many reasons why we may signal a driver to stop, there are many reasons why a driver flees Police. Our response to observed behaviour (e.g. a traffic offence) or known information (e.g. in possession of firearms) must be appropriate and proportionate.

A pursuit is a high risk tactical response. Any decision to pursue a fleeing driver should be based on known facts, rather than what 'might be'.

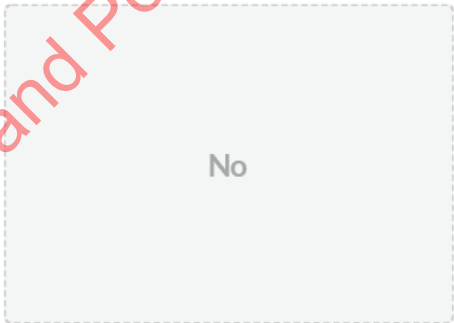
How can we police smarter? Is there a safer alternative?

Deciding whether to pursue

Does the threat posed by the vehicle occupant(s) outweigh the risks of pursuit?

Think about the question above as you consider each card (**the initial reason for needing to stop the driver**) and decide whether a pursuit is justified.

Drag and drop each card into the correct box.



Suspected stolen vehicle	The driver ran a red light

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1C

Weaving across lanes

Known gang member

Expired registration

Disqualified driver

WTA for burglary

Evaded alcohol checkpoint

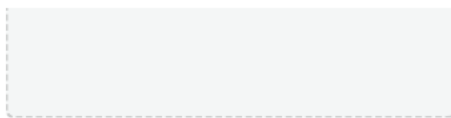
Travelling at high speed

3kg of meth in the car


Wanted for shoplifting

Maybe

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Immediate and actual threat	Kidnapping
Active shooter	

 Complete the content above before moving on. Repeat the activity until you score 100%.

Be smart. Put a **tactical plan** in place to stop the driver in the **safest** manner. Plan to **avoid** a fleeing driver event.



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“ So what we're saying is...Is it important enough to stop that vehicle then and there? Because it's okay to not pursue.... It's okay to follow up later, to identify the driver and hold them to account through an investigation.

Assistant Commissioner Sandra Venables

Listen to a Constable talk about his response to a fleeing driver.



Constable Daniel Brosnan, Public Safety Team, Waitemata

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RISK

REASON

When we decide to pursue

Comms have command of any pursuit.

You must continuously perform a TENR risk assessment during the pursuit and provide critical risk information to Comms.

Comms staff must continuously weigh up the initial reason for wanting to stop the driver against the risk of harm. Their job is to maintain objective oversight to ensure the safety of everyone.

An experienced Comms dispatcher shares her views.....



Rosie Aupa'au, Dispatcher, Emergency Communications Centre

Listen to the audio to hear an officer's risk assessment and think about the responsibility Comms have for maintaining oversight of decision making to keep everyone safe.



00:42



Dog Handler to Comms

When the risk is too great

Tyre Deflation Devices (TDDs) may not be deployed on motorcycles. Motorcycle riders have no protection in the event of a crash.

Read how this group of motorcyclists were apprehended safely as a result of a coordinated and well-executed plan.

NOTE: Not available on a phone.

 **Teamwork Gets Results.pdf**
210.4 KB 

Pursuit or not - an investigation must follow.

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Knowledge Check 2

Check your understanding. Would your decision to pursue be justified?

Read each question carefully. **One question has more than one correct response.**

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Question

01/04

When should you decide if you are going to pursue a vehicle if the driver fails to stop when signaled?

- I should wait and see if the driver pulls over before making the decision about what I do next.
- I should make my decision about whether to pursue before I signal the driver to stop.
- I will always pursue a driver who fails to stop because they must have a reason to flee from Police.

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Question

02/04

You are driving a marked car in busy mid-morning traffic. A QV on a car ahead reveals it is flagged as stolen. The vehicle appears to be five-up.

What is the preferred course of action?

-
- Advise Comms you are stopping a stolen vehicle and you intend to pursue if the driver fails to stop.
 - Signal the driver to stop and if they flee advise Comms that you are pursuing a stolen vehicle.
 - Advise Comms you have located a stolen car, identify the risk the driver may flee and request assistance to stop the vehicle safely.

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Question

03/04

Comms advise the theft of a late model Maserati MN0030. You are on SH1 carrying out speed enforcement and lock the radar at 133kmph on an approaching vehicle. It's the Maserati. You activate lights and sirens and advise Comms you intend to 3T the vehicle, but if the driver fails to stop you will not pursue.

Mark **all the factors** that have influenced your decision.

-
- Vehicle theft is a property offence and does not outweigh the risk of injury or death as a result of a pursuit.
 - You suspect the driver will flee and drive even faster thereby increasing the risk to other road users.
 - 133/100 is an infringement offence, and does not outweigh the risk of injury or death as a result of a pursuit.

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Question

04/04

Comms advise the male driver of a white BMW SUX234 is wanted to arrest for a 5F serious assault. He is known to stay at 105 Balance Street. You sight the vehicle in dense traffic about 1km from the address. You advise Comms you have located the vehicle and will signal the driver to stop.

Will you pursue if the driver flees?

-
- No - because there is sufficient information to undertake alternative and safer action to apprehend the driver.
 - Yes - because the driver is wanted to arrest for a serious criminal offence and should be arrested at the first possible opportunity.
 - Yes - because there's good reason to pursue and Comms can always direct abandonment due to the traffic.

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Abandon pursuit

A decision to not pursue or to abandon a pursuit, will be supported.

A pursuit **must** be abandoned when the risks of the pursuit outweigh the initial threat posed by the vehicle occupants and the need to immediately apprehend.

Our Fleeing Driver policy recognises that management of a fleeing driver event is a collective responsibility, where frontline staff and Comms staff need to work together to achieve the safest possible outcome.

Remember that Comms have overall command of any pursuit.

Can you answer the questions? Flip the cards and check your answers.

What reasons do frontline staff often give for abandoning a pursuit?

- Losing sight of the vehicle.
- Environmental conditions.

- Excessive speed

1 of 4

What reasons do Emergency Communications Centre staff give for directing the abandonment of a pursuit?

- The risks of pursuit outweigh the reason to pursue.
- Escalating risk as the pursuit continues.

2 of 4

Who can decide or direct that a pursuit is abandoned?

- Driver or constabulary passenger (Initiating and secondary units)
- Field supervisor
- Dispatcher
- Pursuit controller

3 of 4

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True or false?

Early abandonment often indicates a lack of a robust TENR.

True.

On reflection, we need to consider whether the pursuit was justified in the first place.

4 of 4

Any decision or direction to abandon pursuit must be complied with.

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Knowledge Check 3

What circumstances could cause us to abandon a pursuit?

Note: **Most questions** in this quiz have **more than one correct answer**.

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Question

01/04

A unit advises Comms they are in pursuit of a male wanted to interview for a series of burglaries. When asked for the reason for wanting to stop the driver, the unit advises 'Failing to stop'.

What do you think the response from Comms will be?

- Abandon pursuit. The driver is known to Police and can be apprehended at a later time.
- Abandon pursuit. Failing to stop, in itself, is insufficient reason to pursue.
- Abandon pursuit. The need to immediately apprehend the driver does not outweigh the risks of a pursuit.
- Allow the pursuit to continue. Failing to stop is a really serious offence.

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Question

02/04

You are an experienced gold driver and have just started to pursue a driver who failed to stop when signalled. Your colleague Sam, has only recently graduated from Police College. He advises Comms that you are in pursuit, but then says you are abandoning.

Can Sam make the call to abandon pursuit?

- Yes - as a constabulary passenger Sam can make this decision. He has a responsibility to keep his colleague safe.
- No - Sam has virtually no policing experience and shouldn't be telling a more senior officer what to do.

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Question

03/04

You decide to stop a black Holden ACD987 with no rear lights pursuant to s114 of the Land Transport Act 1998. The driver pulls over and stops. You exit your car and approach the driver, who then speeds off. You run back to your car and advise Comms you are commencing a pursuit.

Comms direct you to abandon because:

-
- Failing to stop or remain stopped is insufficient reason to commence a pursuit.
 - The seriousness of the offending (an infringement offence) does not outweigh the risks of pursuit.
 - The vehicle details provide a line of inquiry for an investigation which is a safer option than a pursuit.

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Question

04/04

Following a decision or direction to abandon a pursuit, what actions are required?

Select all the answers that are correct.

-
- Immediately reduce speed, deactivate warning devices once below the posted speed limit and stop as soon as it is safe to do so.
 - Acknowledge to Comms that you are stationary and state your location.
 - Reduce speed, deactivate lights and siren and immediately begin searching the area for the fleeing vehicle.

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Holding fleeing drivers to account

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

With our focus firmly on safety, we make the decision about whether to pursue before signalling the driver to stop. Given the significant risks created by a pursuit, appropriate application of TENR means we should pursue very few fleeing drivers.

This doesn't mean we allow fleeing drivers to 'get away'. What it means is we need to police smarter, either by putting a plan in place which prevents a fleeing driver event from starting, or by following up with a planned response that has less risk.

How we do it

Check each box to show you understand.

- Every fleeing driver event must be resulted K6 (reported) or K9 (arrested).
- A Fleeing Driver notification must be completed for every fleeing driver event where Police have signalled the driver to stop, including when Police did not pursue.
- A NIA occurrence must be created.
- An investigation must be completed to identify the driver and hold them to account.



Complete the content above before moving on.

Investigation

Read the summaries of two fleeing driver events where the driver was held to account through investigation.

Stolen Vehicle

Vehicle seen driving dangerously at speed. Once behind the vehicle, activated lights and sirens. Vehicle slowed for a red light at s.9(2)(a) OIA [REDACTED]. The driver continued through the red light. No pursuit initiated due to manner of driving. Vehicle subsequently located at a known gang address. Confirmed as stolen and involved in two commercial burglaries.

Example from Fleeing Driver Notification

Sustained loss of traction

Driving incident observed– sustained loss of traction/dangerous driving. Decision made to NOT pursue following operational threat assessment (TENR). Attempted to stop the vehicle. Driver fled. Investigation commenced. Evidence of vehicle ID gathered through Comms and area inquiries. Vehicle located on private property two days later. Warrant to enter/ seize obtained and executed. Subject vehicle impounded. Subject driver spoken to. Admissions made and charges filed.

Example from Weekly PST report

Now - check **all** the statements that are true.

- People directly involved in a fleeing driver event must ensure their relevant section of the Fleeing Driver notification is complete.
- The initiating unit is responsible for creating the NIA occurrence.
- The field supervisor has primary responsibility for directing inquiries to identify and locate the fleeing driver.

SUBMIT

We can hold fleeing drivers to account through investigation.

Knowledge Check 4

Check your understanding of what is required after a fleeing driver event. Read carefully:

- Two questions have only **one** correct response.
- Two questions have **more than one** correct response.

Released by New Zealand Police under the OIA 1982 to J Stewart

Question

01/04

While on night shift in a patrol vehicle you hear Comms direct the abandonment of a pursuit of a blue Subaru JTW345. The unit acknowledges the direction to abandon and reports they have pulled over and stopped, with lights and sirens off. About 10 minutes later you see the Subaru being driven in a safe manner, two cars ahead of you.

Can you signal the driver to stop?

- No - after a pursuit has been abandoned, permission must be obtained from the pursuit controller before signaling the driver to stop.
- Yes - the pursuit was abandoned due to risks outweighing the initial threat posed by the driver. My TENR does not identify risk.
- Yes - we failed once to apprehend the driver previously and they clearly have a reason to flee from Police.

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Question

02/04

While two-up in a patrol car, your partner QVs a modified Nissan Silvia MX2458 ahead in the traffic and finds the plates and vehicle type do not match. On approaching the next intersection, having already decided not to pursue, you activate lights and siren and signal the driver to stop. He flees through a red light and you immediately deactivate lights and siren.

What must you do now?

- Complete a fleeing driver notification. Create a NIA occurrence and commence an investigation to identify and hold the fleeing driver to account.
- Nothing. You didn't commence a pursuit so you don't need to complete a fleeing driver notification form.
- Complete a fleeing driver notification because the QV identifies a potential offence and the driver went through a red light.

Released by New Zealand Police under the OIA 1982/01 Stewart

Question

03/04

Comms notifies all units of two reports of a green Hilux OMG337 overtaking dangerously at speed on SH56. One caller has the incident recorded on his webcam. You sight the Hilux, activate lights and siren and signal the driver to stop. The driver fails to stop and you do not pursue. You complete a fleeing driver notification and create a NIA occurrence.

What are the most appropriate options for progressing an investigation?

- Forward the electronic files to your supervisor so that if required, the file may be reassigned for investigation.
- Follow up lines of inquiry including speaking with the two complainants, taking their statements and collecting the webcam footage.
- Send a formal warning to the registered owner of OMG337. Make a recommendation to your supervisor that the file is closed.

Released by New Zealand Police Under the OIA 1982 to Stewart

Question

04/04

When Police have chosen not to engage in a pursuit, or a pursuit is abandoned, what action should the initiating officer take to ensure the fleeing driver is identified and held to account?

- They should advise Comms to K1 the event and that they are available to resume duties or deploy as directed.
- Follow any direction given by Comms or field supervisors in relation to subsequent action or follow up inquiries.
- Result the fleeing driver event as K6. Complete the Fleeing Driver notification. Create a NIA occurrence and ensure an investigation is commenced.

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Debriefs and Lessons Learnt

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.

Debrief

Watch the video and listen to how we use debrief(s) to support reflection on our decision making.



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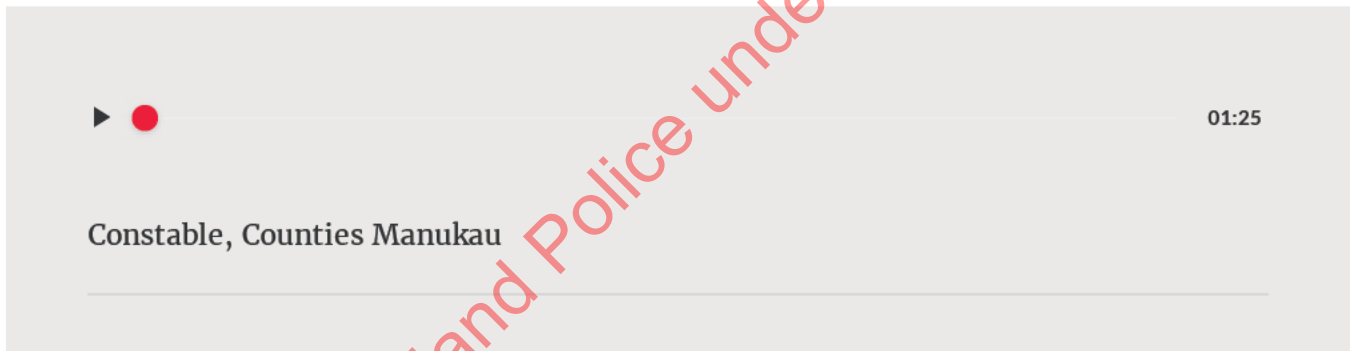
Senior Sergeant Todd Webley, PST Supervisor

Looking after ourselves

We have a responsibility to protect life, and that includes our own. If a fleeing driver event results in serious injury or death, then a whanau is affected forever. It's highly likely this will also impact on you and those closest to you.

In addition to any psychological trauma you may experience from the actual event, the criminal, employment and IPCA investigations which follow can be stressful and overwhelming.

Listen to the audio to hear a Constable's reflections on a fleeing driver event.



It's important we reach out for help when we need to. Talk to a trusted colleague or look on the Safer People intranet page to identify support services available.

Improving our understanding

Children and young people are a particularly high risk group, and our response needs to take into account how young drivers are likely to behave.

This Fleeing Driver notification highlights some of the specific risks and considerations that must be in our TENR when children and young people are involved.

NOTE: Not available on a phone.

 **Fleeing driver - Youth example.pdf** 
80.8 KB

Watch the video to hear the perspective of an influential New Zealander.



Judge Andrew Becroft, Commissioner for Children

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OUR BUSINESS



TĀ TĀTOU UMANGA

» POLICING BY CONSENT - TO HAVE THE TRUST AND CONFIDENCE OF ALL »

WHY WE'RE HERE HE AHA TĀTOU I TŪ AI HEI RŌPŪ	WHAT WE DO HE AHA Ā TĀTOU MAHI	HOW WE DO IT HE PĒHEA E MAHIA AI E TĀTOU
<p>OUR VISION</p>  <p>OUR MISSION</p> <p>TO PREVENT CRIME AND HARM THROUGH EXCEPTIONAL POLICING</p>  <p>OUR PURPOSE</p> <p>TO ENSURE EVERYBODY CAN</p> <p>BE SAFE & FEEL SAFE</p>	<p>OUR GOALS</p> <ul style="list-style-type: none"> SAFE HOMES: FREE FROM CRIME AND VICTIMISATION SAFE ROADS: PREVENTING DEATH AND INJURY WITH OUR PARTNERS SAFE COMMUNITIES: PEOPLE ARE SAFE WHEREVER THEY LIVE, WORK AND VISIT <p>OUR FUNCTIONS</p> <ul style="list-style-type: none"> KEEP THE PEACE MAINTAIN PUBLIC SAFETY LAW ENFORCEMENT CRIME PREVENTION COMMUNITY SUPPORT & REASSURANCE NATIONAL SECURITY POLICING ACTIVITIES OUTSIDE NEW ZEALAND EMERGENCY MANAGEMENT <p>OUR OPERATING MODEL</p> <p>PREVENTION FIRST</p> <p>"TAKING EVERY OPPORTUNITY TO PREVENT HARM"</p>  <p>OUR RELATIONSHIP WITH MĀORI</p> <p>TE HURINGA O TE TAHI</p> <p>"GET BETTER OUTCOMES FOR ALL BY WORKING IN PARTNERSHIP WITH MĀORI"</p>	<p>OUR PRIORITIES</p> <ul style="list-style-type: none"> BE FIRST, THEN DO: STRENGTHENING HOW AND WHO WE ARE AS AN ORGANISATION DELIVER THE SERVICES NEW ZEALANDERS EXPECT AND DESERVE: UNDERSTANDING AND PROVIDING WHAT THE PUBLIC WANT FROM THEIR POLICE FOCUSED PREVENTION THROUGH PARTNERSHIPS: FOCUSED POLICE EFFORT AND WORKING WITH OTHERS TO ACHIEVE BETTER OUTCOMES  <p>OUR PEOPLE</p> <p>ARE:</p> <ul style="list-style-type: none"> SAFE AND FEEL SAFE VALUED FAIR TO ALL COMPASSIONATE AND REFLECTIVE <p>OUR LEADERSHIP</p> <p>CREATING AN ENVIRONMENT WHERE WE:</p> <ul style="list-style-type: none"> LIVE OUR VALUES, INDIVIDUALLY AND COLLECTIVELY ARE INCLUSIVE - EVERYONE CAN BE THEMSELVES ENABLE OUR PEOPLE TO BE THEIR BEST, USING THE PHPP <p>OUR CULTURE</p> <ul style="list-style-type: none"> COLLECTIVE EFFORT FOR SHARED OUTCOMES BRINGING HUMANITY TO EVERY INTERACTION <p>OUR PARTNERS</p> <p>WORKING WITH AND BESIDE:</p> <ul style="list-style-type: none"> GOVERNMENT AGENCIES MĀORI, PACIFIC, AND ETHNIC COMMUNITIES COMMUNITY GROUPS INDUSTRY AND BUSINESS INTERNATIONAL PARTNERS
<p>OUR VALUES » PROFESSIONALISM » RESPECT » INTEGRITY » COMMITMENT TO MĀORI & THE TREATY » EMPATHY » VALUING DIVERSITY</p>		

Our Business

To ensure we deliver on all aspects of Our Business, our response to fleeing driver events needs to be focused on safety.





The public - they do support us in what we're trying to do - that is preventing harm on our roads. That always must be our priority and we trust our staff to make good decisions for the safety of everyone.

Assistant Commissioner Sandra Venables



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End of course

Watch the video

Remember that we are also the public, along with our families...



Superintendent Kelly Ryan, National Manager, Emergency Communications Centres

Have you finished this training?

- Open the progression menu on the left hand side of your screen and make sure that each section is ticked. If not, return to that section and complete it.

- If you have to exit the course before completing it, you can return to where you left off. Once completed, you can revisit any section or any video in the course.
- Click the exit button to signal you have completed the training. The Fleeing Driver online course will then show in your Training History.

EXIT COURSE

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Fleeing driver policy

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Policy statement and principles

What

Signalling a driver to stop 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 fails to stop or remain stopped, or a driver who flees as a result of Police presence, whether signalled to stop or not.

This can create a high risk, fast paced event which evolves rapidly, exposing the public, the fleeing driver and any passengers, as well as Police staff, 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.

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);
- necessity to immediately apprehend the driver and/or passenger(s); and
- 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.
- A driver failing to stop or remain stopped, 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 vehicle occupants(s) prior to signalling the driver to stop, 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.
- A decision to not pursue or to abandon a pursuit 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:

- [COVID 19 Public Health Response Act 2020](#)
- [Crimes Act 1961](#)
- [Health and Safety at Work Act 2015](#)
- [Land Transport Act 1998](#)
- [Land Transport \(Road User\) Rule 2004](#)
- [Policing Act 2008](#)
- [Prohibition of Gang Insignia in Government Premises Act 2013](#)
- [Search and Surveillance Act 2012](#)

Related policies include:

- [Investigation of critical incidents policy](#)
- [Debriefs policy](#)
- [Digital photography policy](#)
- [Perimeter control](#)
- [Police vehicle management](#)
- [Professional Police Driver Programme \(PPDP\)](#)
- [Radio and Communication Centre Protocols](#)
- [Traffic patrol techniques](#)
- [Tyre deflation devices](#)
- [Urgent Duty Driving](#)
- [Use of Force](#)
- [TENR Operational threat assessment](#)

Decision to stop a driver

Vehicle stops are unpredictable. Signalling a driver to stop may result in the driver fleeing Police, including at an alcohol checkpoint.

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 signalling 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 Emergency Communications 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.

Note: [Appendix A](#) provides examples of the type of communication expected.

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

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

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 deliberately flees Police, should have been made before signalling the 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

A decision to not pursue or to abandon a pursuit will be supported.

When a driver flees and a decision is made to not pursue, request the Emergency Communications Centre to enter 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	<p>Police driver/passenger must advise the Emergency Communications Centre of the fleeing driver incident.</p> <p>“Comms, {Call sign}, driver failing to stop / remain stopped. Not in pursuit. Please enter a field event and K6.</p>

Decision to pursue

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

Note: [Appendix A](#) provides examples of the type of communication expected.

Radio protocol

Step	Action
1	<p>Initiating unit driver/passenger must advise the Emergency Communications Centre of the pursuit as soon as practicable, including the initial reason for signalling the driver to stop, location, direction and vehicle description.</p> <p>“Comms, {Call sign}, in pursuit. {Initial reason for signalling the driver to stop}. {Direction} on {road}.”</p>
2a	<p>The Dispatcher <i>may</i> abandon the pursuit where the reason for the pursuit is not provided or is insufficient to justify a pursuit.</p> <p>“{Call sign} from Comms. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>
2b	<p>If the Dispatcher is satisfied that sufficient reason for the pursuit has been communicated, they acknowledge the pursuit as detailed below.</p> <p>“{Call sign}, pursuit acknowledged. Comms has command. Safety is our priority. Acknowledge.”</p>

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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>Initiating unit driver and/or constabulary passenger</p>	<ul style="list-style-type: none"> • Advises the Emergency Communications Centre of the pursuit as soon as practicable, including the initial reason for signalling the driver to stop, location, direction and vehicle description. <p>“Comms, {Call sign}. In pursuit - {initial reason for signalling the driver to stop}. {Direction} on {road}.”</p> <ul style="list-style-type: none"> • Ensures warning lights and siren are activated. • Acknowledges and complies with all directions from the Emergency Communications Centre. • Continuously performs a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified. • Ensures all relevant risk information is communicated to the Emergency Communications Centre. • Abandons the pursuit if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend. <p>“Comms, {Call sign}. Abandoning pursuit – {reason for abandonment}.”</p> <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"> • Request the initial reason for signalling the driver to stop, if not already provided. <p>“{Call sign}, Comms. Advise reason for signalling the driver to stop.”</p> <ul style="list-style-type: none"> • The Dispatcher <i>may</i> abandon the pursuit where the initial reason for signalling the driver to stop is not provided or is insufficient to justify a pursuit. <p>“{Call sign}, Comms. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p> <ul style="list-style-type: none"> • If the Dispatcher is satisfied that sufficient reason for the pursuit has been communicated, they acknowledge the pursuit as detailed below. <p>“{Call sign}, Comms. Pursuit acknowledged. Comms has command. Safety is our priority. Acknowledge.”</p> <ul style="list-style-type: none"> • Conveys the reason for the pursuit to the pursuit controller. • Maintains essential radio communications with all units. • Complies with all directions from the pursuit controller. • If no pursuit controller or team leader is available, the Dispatcher must direct the abandonment of the pursuit. <p>“All units from Comms. Abandon pursuit now – pursuit not supervised. Acknowledge.”</p>

<p>Secondary vehicle drivers and /or constabulary passengers</p>	<ul style="list-style-type: none"> • Continuously perform a TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified. • Ensure warning lights and sirens are activated. • Follow behind the initiating/lead unit at a safe distance to provide support and tactical options. • Notify the Emergency Communications Centre as soon as practicable that they are involved in the pursuit. • Acknowledge and comply with all directions from the Emergency Communications Centre. • Take over the pursuit commentary if the initiating/lead vehicle is single crewed. • Ensure all relevant risk information is relayed to the Emergency Communications Centre. • Direct abandonment the pursuit if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend. <p>“All units from {call sign}. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>
<p>Pursuit controller</p>	<ul style="list-style-type: none"> • Is responsible for control and command of the pursuit. • Confirms the initial reason for signalling the driver to stop. • Directs abandonment where the initial reason for signalling the driver to stop is not provided or is insufficient to justify a pursuit. <p>“All units from Comms. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p> <p>or</p> <ul style="list-style-type: none"> • Ensures the pursuit acknowledgement has been given and acknowledged by the initiating unit. • Continuously performs own TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified. • Plans to resolve the pursuit as safely as possible and communicates this plan, and any subsequent revision of the plan. • If resources allow: <ul style="list-style-type: none"> ◦ ensures a secondary vehicle takes over the pursuit commentary if the initiating unit is single crewed ◦ replaces unmarked vehicles (category B) with marked vehicles (category A) at the earliest opportunity ◦ replaces a single crewed initiating unit with a two person unit as soon as practicable. • Limits the number of Police units following the fleeing driver to no more than two, unless tactically appropriate. • Coordinates tactical units and options to resolve the event safely (including the Air Support Unit where available). • Monitors situation reports to ensure sufficient risk information is being provided to enable informed decision making. • Directs the abandonment of the pursuit where: <ul style="list-style-type: none"> • their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend. • 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). <p>“All units from Comms. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>

Field supervisors	<ul style="list-style-type: none"> • Maintain supervisory oversight. • Provide support to staff and the pursuit controller, avoiding direct involvement in the pursuit where possible. • Continuously performs own TENR risk assessment to assess whether the risks associated with the pursuit continue to be justified. • Direct abandonment if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend. <p>“All units from {call sign}. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>
Other units responding as a tactical option, including ASU	<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 their location and tactical options available. • 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 continue to be justified. • Acknowledge and comply with all directions from the Emergency Communications Centre.
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 during a pursuit. • May provide situational intelligence to staff and the Emergency Communications Centre.

Communication and TENR during a pursuit

Communication

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

TENR	Considerations include but are not limited to:
<p>What is the threat posed by the driver and/or vehicle occupants(s)?</p> <p>Who may be harmed as a result of the pursuit?</p> <p>Is Police action increasing or decreasing the risk of harm?</p> <p>Are the risks created by the pursuit greater than the initial risk posed by the driver or vehicle occupant(s)?</p> <p>What alternative options are there for resolving the event safely?</p>	<ul style="list-style-type: none"> • The nature and seriousness of offence(s) committed or about to be committed. • Does the need to pursue outweigh the risk of causing death or serious injury to any person? • Can the event be resolved by alternative means, such as an investigation? • Safety of all road users, including the vehicle occupant(s) and Police. • 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. • Identity of the driver and/or passengers. • Likely age of the driver, the impact of age on their decision making ability and driving experience • Number and likely age of passengers and their likely influence on the driver. • Manner and speed of driving. • Frequency and sufficiency of sit reps (continuing TENR). • 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).

Abandoning a pursuit

A decision to not pursue or to abandon a pursuit, will be supported.

Radio protocol

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<p>Dispatcher</p>	<p>The dispatcher <i>may</i> abandon the pursuit where the reason for the pursuit is not provided or is insufficient to justify a pursuit.</p> <p>“{Call sign}, Comms. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p> <p>The dispatcher must direct abandonment of the pursuit if no pursuit controller or team leader is available.</p> <p>“All units from Comms. Abandon pursuit now – pursuit not supervised. Acknowledge.”</p>
<p>Initiating or secondary units</p>	<p>Must direct abandonment if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend.</p> <p>“All units from {call sign}. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>
<p>Field supervisors</p>	<p>If actively monitoring a pursuit, 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 direct abandonment if their TENR risk assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend.</p> <p>“All units from {call sign}. Abandon pursuit now – {reason for abandonment}. Acknowledge.”</p>
<p>Pursuit controller</p>	<p>Must abandon a pursuit where:</p> <ul style="list-style-type: none"> • the reason for the pursuit is not provided or is insufficient to justify a pursuit • 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 • there is sustained loss of communication with pursuing unit(s). <p>“All units from Comms. Abandon pursuit now - {reason for abandonment}. Acknowledge.”</p>

Action on abandoning a pursuit

Following a decision or 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 their 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.

Step	Action
1	<p>Unit acknowledges the direction to abandon.</p> <p>“Comms, {Call sign}. Acknowledge. Lights and sirens off. Stationary {location e.g. outside 123 Henry Street}.”</p>

Air Support Unit

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

Refer to the ['Air Support Unit'](#) section of this policy for further details.

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Responsibilities after a fleeing driver event

This table outlines responsibilities after a fleeing driver event.

Initiating unit driver and/or constabulary passenger	<ul style="list-style-type: none"> • Requests the Emergency Communications Centre to enter and/or result the fleeing driver event either K6 or K9. • Completes the relevant sections of the Fleeing Driver notification before the end of shift.* • Creates and updates a NIA investigation file before the end of shift.* • Where a Health and Safety Incident or near miss has occurred, a MyPolice incident or near miss must be recorded before the end of shift.*
Dispatcher	<ul style="list-style-type: none"> • Enters a CARD event for the fleeing driver event and ensure this is resulted either K6 or K9.
Pursuit controller	<ul style="list-style-type: none"> • Completes the Emergency Communications Centre section of the Fleeing Driver notification before the end of shift.* • Debriefs with Emergency Communications Centre and district staff to identify areas for improvement and reinforce good practice.
TDD deploying officer	<ul style="list-style-type: none"> • Completes the TDD section of the Fleeing Driver notification before the end of shift*.
Supervisor (Level 1 review)	<ul style="list-style-type: none"> • Hot debriefs with Emergency Communications Centre and District staff to identify any areas for improvement and reinforce good practice. • Ensures the Fleeing Driver notification and NIA records are completed before the end of shift*. • If any staff member is unable to complete the notification, or they have been involved in a pursuit resulting in the serious injury or death, the supervisor should complete and approve on their behalf. • Reviews the Fleeing Driver notification to ensure compliance with policy and legislation, within 5 days of the report being submitted for review. • Ensures health and safety reporting has been completed if required. • Ensures an investigation has been commenced to identify the offender and hold them to account.
District reviewer (Level 2 review)	<ul style="list-style-type: none"> • Reviews the Fleeing Driver notification to ensure compliance with policy and legislation within 5 days of the report being submitted for review. • Reviews the Emergency Communications Centre audio recording. • Reviews any ASU footage in conjunction with an ASU representative in compliance with the Digital photography policy. • Identifies and effectively manages or escalates any health and safety risks, training issues, systemic issues or lessons learnt. • Ensures all fleeing driver events have a corresponding NIA record. • Complies with any national review process.

* or with approval, within 5 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 is updated as soon as possible.

Subsequent fleeing driver events 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:

- signalling the driver to stop, and if permission is obtained,
- 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 vehicle occupant(s) 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 and tactics to resolve the fleeing driver event should the driver fail to stop or remain stopped.

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 advises the Emergency Communications Centre:</p> <ul style="list-style-type: none"> • that the vehicle has been located • location • direction of travel • a summary of the threat, exposure and necessity to pursue based on their TENR risk assessment. <p>Note: Appendix A provides examples of the type of communication expected.</p> <p>“Comms, {Call Sign} Permission to signal driver to stop?”</p>
2	<p>Only the shift commander may decide whether the fleeing driver will be signalled to stop and advises the requesting officer of their decision.</p> <p>“{Call Sign} from Comms. Permission denied - {Reason}.”</p> <p>or</p> <p>“{Call Sign} from Comms. Permission to signal granted. Permission to pursue denied.”</p> <p>or</p> <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	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.
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 additional to the initiating and secondary units. Dog units must notify the pursuit controller if they are available to provide tactical assistance.
Investigation	Field supervisor / Pursuit Controller	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.
Temporary road closure	Pursuit controller	Refer to the ' Traffic patrol techniques ' chapter. Section 30 & 32 of the S&S Act allow the establishment of an authorised road block to arrest a person who is unlawfully at large or a person who has committed an offence punishable by imprisonment where there are grounds to believe such persons are in a vehicle. Section 32 also allows the stopping of vehicles at the road block or in the vicinity of the road block.
Tyre deflation devices (TDD)	Pursuit controller, trained Police employees in exceptional circumstances, Emergency Communications Centre shift commander for deployment on heavy vehicles	A tyre deflation device may be deployed, providing deployment meets the requirements of the ' Tyre deflation devices ' 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.

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 [Appendix C: Fleeing drivers: Investigation practice guide](#)

Air Support Unit

The primary role of the Air Support Unit (ASU) in a fleeing driver event 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 always retains control and command of the fleeing driver event.

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 Emergency Communications Centre, ASU must be advised.

ASU are responsible for advising the Emergency Communications Centre of any relevant risk factors, including any observed behavior 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 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 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.

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:	<i>Following a [vehicle description]. Smashed rear window. Suspected stolen. Manner of driving currently good.</i>
Exposure:	<i>Looks three up. No other traffic. Heading [direction] on [road].</i>
Necessity:	<i>Property offence.</i>
Response:	<i>Likely to flee. If the driver fails to stop, we will not pursue.</i> <i>DCC / Comms / TOC / Eagle can you get this on camera?</i> <i>Comms can we get some extra units in place before we signal to stop?</i>
<i>A property crime is unlikely to justify the risk of harm created by engaging in a pursuit.</i>	

2. Suspected 1X	
Threat & Exposure:	<i>We've located the vehicle it's deliberately being driven into the path of oncoming vehicles.</i>
Necessity:	<i>If we don't act, someone's going to be killed.</i>
Response:	<i>We intend to [communicate plan and tactics here] or Comms, please assist with a plan.</i>
<i>Driver poses a certain and ongoing threat to themselves and other road users. Police must act to mitigate the risk of harm.</i>	

3. Fails to remain stopped - Wanted to interview	
Threat:	<i>Male wanted to interview (breach of PSO) has driven off from our 3T.</i>
Exposure:	<i>Moderate traffic.</i>
Necessity:	<i>Known offender [name].</i>
Response:	<i>We'll call the protected person to check on their safety.</i>
<i>Known offender, posing no immediate threat. Safety of the protected person is the primary consideration. Event can be resolved through an investigation.</i>	

Appendix B – Key roles and definitions

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

Term	Definition
Abandon	Permanently abandon the 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 where the reason for the pursuit is not provided, or is insufficient to justify a pursuit. Must abandon the pursuit if a pursuit controller or team leader is not available.
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	Any supervisor aware of the pursuit. This may be different to the initiating unit's line supervisor.
Fleeing driver	A driver who has been signaled to stop by a constable but fails to stop or remain stopped, or a driver who flees as a result of Police presence, whether signaled to stop or not.
Investigation	Subsequent inquiries carried out to identify and hold the fleeing driver and/or any other offenders to account.
Initiating unit	The Police unit that initially signalled the driver to stop.
Lead unit	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.
Constabulary passenger	A constable who is a passenger in the initiating, lead or secondary vehicle.
Pursuit	A high risk, tactical response to a fleeing driver event.
Pursuit controller	The Emergency Communications Centre shift commander who manages the fleeing driver event. If an Emergency Communications 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.

Secondary vehicle	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.
Signalling a driver to stop	Driver is signalled to stop by a constable using flashing red and blue lights and/or a siren. An officer in uniform may also signal a driver to stop.
Tactical unit(s)	Any Police unit not actively pursuing the fleeing driver but available to carry out a tactical response 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	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: <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, 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.

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Appendix C: Fleeing drivers: Investigation practice guide

Fleeing driver policy

The overarching principle of the Fleeing driver policy is that public, vehicle occupants(s) and Police employee safety takes precedence over the immediate apprehension of a fleeing driver.

One of the key principles is that an investigation is preferred over the commencement or continuation of a pursuit.

Holding fleeing drivers to account

- If the driver of the fleeing vehicle is apprehended at the time of the event, the file is to be managed in the normal manner by the initiating Police unit, with appropriate action taken against the driver and/or passengers.
- Where there is a mandatory period of disqualification, a prosecution is likely to be the most appropriate course of action, however this does not preclude consideration of alternative supported resolutions (e.g. a referral to Te Pae Oranga).
- If a pursuit is either a) not initiated, or b) abandoned, an investigation must be undertaken to identify the driver and hold them to account.
- All fleeing driver related offences have a case management category of 2 Critical.

Creating the fleeing driver investigation file

- Every fleeing driver event must be resulted with either a K6 (reported) or a K9 (arrest).
- The initiating unit is responsible for creating an occurrence. This may be done using 'Offence Report' in OnDuty or in NIA.
- Enter an occurrence in the National Intelligence Application (NIA) for the offence of failing to stop, and any associated offences.
- A fleeing driver notification must be completed and submitted for review.
- Consider using the fleeing driver notification narrative as the basis for the NIA file narrative. Alternatively, enter a note in the NIA narrative 'Fleeing driver notification attached at case level' and attach a PDF copy to the file.

Conduct enquiries to identify the vehicle registration

- s. 6(c) OIA [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Where a partial registration plate and vehicle description is obtained, complete NIA checks to try and identify the full registration.
- When a vehicle fails to stop regularly or there is a pattern over a short period of time where the same vehicle comes to Police attention, the description of the vehicle can sometimes be linked to other offences or fleeing driver events where a registration has been obtained.
- In these circumstances, consider requesting Intel disseminates known information via daily documents, briefing documents, digital signage, FLINT products etc. Another staff member may recognise the vehicle, s. 6(c) OIA [REDACTED]

Unable to obtain registration

- Where Police have been unable to obtain the vehicle registration and there are no further avenues for enquiry, update the NIA narrative detailing enquiries made.
- Submit the file for supervisory review, with a recommendation that the file is filed.

Registration obtained

- Identify the registered owner by completing a 'Query Vehicle' search in NIA.
- Establish whether the vehicle has been unlawfully taken. If so, associate the burglary/unlawful taking file with the fleeing driver file.
- Link the vehicle to the NIA file.

- Enter a 'Sought' alert against the vehicle in NIA, with the text: *Vehicle involved in a fleeing driver event at [time] on [date] in [place].*
- A search of the Police Infringement Bureau (PIB) database may provide avenues for enquiry if an infringement notice has previously been issued to a driver of that vehicle. Email PIB Intel at pib.enquiries@police.govt.nz
- If the vehicle has not been stolen, make enquiries at the address of the registered owner as soon as practicable to establish who is in possession of, or was likely to be driving the vehicle. **s. 6(c) OIA**
- Section 118(4) of the Land Transport Act 1998 requires the owner or hirer of the vehicle to provide all information in their possession or obtainable by them, which may lead to the identification and apprehension of the driver. The owner or hirer must provide this information *immediately*.
- If the registered person is based in a different geographical area of New Zealand, initiate a 4Q event through the Emergency Communications Centre. The requirement is to speak with the owner or hirer of the vehicle and obtain all information which may lead to the identification and apprehension of the driver.
- If initial enquiries to locate and speak with the registered owner/driver are unsuccessful, a NIA part file is to be created and submitted to a supervisor for forwarding to the appropriate District to action.
- Complete a Formal Written Statement (FWS) and attach to the NIA file.

Details of driver supplied to Police

- Where details of driver have been supplied to Police, but the driver is still required to be located, consider internal digital signage or a FLINT if there is potential risk to the public or Police.
- Link the driver to the NIA file.
- Enter either a 'Sought' or 'WTI' alert in NIA, with the text: *Required to be arrested / interviewed in relation to a fleeing driver event at [time] on [date] in [place].*
- Provide direction in the NIA entry about how the information is to be submitted to the Officer in Charge of the file.
- Update the NIA narrative detailing action taken.

Details of driver not supplied to Police on request

- Where the details of driver are not supplied to Police by the owner or hirer on request, create a prosecution file (charging document) for 'failing to supply information as to the identity of the driver', as required under section 118 of the Land Transport Act 1998.
- Serve the summons on the person who failed to provide the details to Police. Endorse the service of the summons prior to submitting the file.
- Attach all relevant documentation to the NIA file at case level.
- Update the NIA narrative detailing action taken.
- Consideration should be given to seeking discretionary disqualification under section 80 of the Land Transport 1998 for the offence of 'failing to supply information as to the identity of the driver' on the basis that the vehicle was involved in a road safety offence.
- Prepare the file for prosecution.

Vehicle located in a public place – no person(s) present

- The vehicle can be seized and impounded pursuant to the section 123(1)(b) of the Land Transport Act 1998 if the driver of the vehicle failed to stop (or remained stopped) as signalled, requested or required under Section 114, Land Transport Act 1998.
- There is provision to impound the vehicle for 28 days under section 96(1AB), Land Transport Act 1998 if an enforcement officer believes on reasonable grounds that a driver of the vehicle failed to stop (or remained stopped) as signalled, requested or required under section 114, Land Transport Act 1998.
- There is provision to impound the vehicle under section 122(1) of the Search and Surveillance Act 2012, which allows an enforcement officer to move a vehicle to another place if they 'find' or 'stop' the vehicle, and have lawful authority to search the vehicle but it is impracticable to do so at that place.
- Section 122(2), Search and Surveillance Act 2012 also allows an enforcement officer who has the power to arrest a person, to move a vehicle to another place if they find or stop the vehicle, and have reasonable grounds to believe it is necessary to move the vehicle for safekeeping.
- Arrange for the vehicle to be towed to the appropriate local storage provider if legally authorised.
- Enter an 'Impound' alert against the vehicle in NIA as this will assist with vehicle movements and chain of custody.
- Depending on the nature of the fleeing driver event, a search of the vehicle contents should be considered as good

practice. Refer to [Appendix B](#). This Legal Memorandum sets out the legal obligations to consider when searching impounded vehicles.

- All property seized by Police should be recorded in 'PROP' and the owner (if identified) provided with an inventory receipt within 7 days.
- A forensic examination of the vehicle should be considered as good practice to identify the driver and/or vehicle occupants, as outlined in section 123(1)(b) of the Land Transport Act 1998.
- Request that Police Communications create a 4F event (Fingerprinting).
- Notify the local SOCO. Advise them of the location of the vehicle and NIA file number relating to the fleeing driver event. **Note:** To subsequently review the results of the SOCO examination, the forensic case notes made by the SOCO examiner will be attached under the Forensic Node in the NIA file. These notes will state whether the identity of any person was identified during the examination.
- Ensure all identified person(s) are linked to the NIA file.
- Complete follow up enquiries in relation to person(s) identified as a result of the forensic examination to determine their relationship with the vehicle and/or people.
- **s. 6(c) OIA**
- Conduct an interview based on the Good Practice Interviewing Suspects Guidelines.
- Where the evidential sufficiency and public interest tests detailed in the Solicitor General's Prosecution Guidelines are met, charge the person with the initial offence identified, failing to stop and any associated offending.
- Create the appropriate charging document/arrest/youth aid/alternative resolution file and submit for supervisor endorsement and direction.
- Attach all relevant documentation to the NIA file at case level.
- If the person(s) identified in the forensic examination lives in a different geographical area of New Zealand, create a NIA part file and submit to a supervisor for forwarding to the appropriate District to locate and interview.
- If the registered person refuses to provide information to Police as required under section 118(4) of the Land Transport Act 1998, refer to the 'Details of Driver not supplied to Police' section of this document.
- Where the fleeing driver is identified, but is still required to be located, consider internal digital signage or a FLINT if there is potential risk to the public or Police.
- Enter either a 'Sought' or 'WTI' alert in NIA, with the text: *Required to be arrested / interviewed in relation to a fleeing driver event at [time] on [date] in [place]*.
- Provide direction in the NIA entry about how the information is to be submitted to the Officer in Charge of the file.
- If Police establish the vehicle was used in a fleeing driver event and the vehicle is not registered in the name of the current owner, or with the current address of that person, a non operation order may be affixed under section 248 of the Land Transport Act 1998. This prohibits the vehicle from being driven on a road until such time as it has been registered in the name and current address of the owner.
- Update the NIA narrative detailing action taken.

Vehicle located on private property

- If the general provisions of entry onto private property under section 119 of the Land Transport Act 1998, or under section 120 of the Search and Surveillance Act 2012 do not apply (i.e. fresh pursuit, loss/destruction evidence, used in further offending, or impractical), obtain a search warrant to enter, seize and impound the vehicle as per section 119(5) of the Land Transport Act 1998.
- Attach an electronic copy of the Search Warrant Application and the Warrant to the NIA file at case level.
- Interview the vehicle owner(s) and/or occupants of the address to determine who had possession of the vehicle on the 'applicable day'.
- Arrange for the vehicle to be towed to the appropriate local storage provider as per the conditions sought in the Search Warrant.
- Enter an 'Impound' alert against the vehicle in NIA as this will assist with vehicle movements and chain of custody.
- A forensic examination of the vehicle should be considered as good practice to identify the driver and/or vehicle occupants, as outlined in section 123(1)(b) of the Land Transport Act 1998.
- Request that the Emergency Communications Centres create a 4F event (Fingerprinting).
- Notify the local SOCO. Advise them of the location of the vehicle and NIA file number relating to the fleeing driver event. **Note:** To subsequently review the results of the SOCO examination, the forensic case notes made by the SOCO examiner will be attached under the Forensic Node in the NIA file. These notes will state whether the identity of any person was identified during the examination.

- Ensure all identified person(s) are linked to the NIA file.
- Complete follow up enquiries in relation to person(s) identified as a result of the forensic examination to determine their relationship with the vehicle and/or people.
- s. 6(c) OIA
- Conduct an interview based on the Good Practice Interviewing Suspects Guidelines.
- Where the evidential sufficiency and public interest tests detailed in the Solicitor General's Prosecution Guidelines are met, charge the person with the initial offence identified, failing to stop and any associated offending.
- Create the appropriate charging document/ arrest / youth aid / alternative resolution file and submit for supervisor endorsement and direction.
- Attach all relevant documentation to the NIA file at case level.
- If the person(s) identified in the forensic examination lives in a different geographical area of New Zealand, create a NIA part file and submit to a supervisor for forwarding to the appropriate District to locate and interview.
- If the registered person refuses to provide information to Police as required under section 118(4) of the Land Transport Act 1998, refer to the 'Details of Driver not supplied to Police' section of this document.
- Where the fleeing driver is identified, but is still required to be located, consider station digital signage or a FLINT if there is potential risk to the public or Police.
- Enter either a 'Sought' or 'WTI' alert in NIA, with the text: *Required to be arrested/interviewed in relation to a fleeing driver event at [time] on [date] in [place].*
- Provide direction in the NIA entry about how the information is to be submitted to the Officer in Charge of the file.
- If Police establish the vehicle was used in a fleeing driver event and the offender is not the registered owner, a non operation order may be affixed under section 248 of the Land Transport Act 1998. This prohibits the vehicle from being driven on a road until such time as it has been registered in the name and current address of the owner.
- Update the NIA narrative detailing action taken.

District review and monitoring

- The file holder's immediate supervisor is responsible for monitoring and reviewing the timeliness and quality of the fleeing driver investigation in NIA.
- Each district will nominate a person who is responsible for auditing and monitoring all fleeing driver investigation files. In many cases this will be the person responsible for reviewing the district's Fleeing Driver Notifications.
- District oversight will ensure that fleeing driver investigations are progressed in a timely manner, meet a consistently high standard of investigation and effectively mitigate the risk fleeing drivers pose to our communities by identifying and holding offending drivers to account.
- As part of the audit and review process, the district reviewer will ensure that:
 - there is a corresponding NIA investigation file for every fleeing driver notification
 - on completion of the district review, the Fleeing Driver Notification form is printed as a PDF document and attached to the NIA file
 - the correct offence code has been used to assist with the national audit process
 - investigations are of a high standard and follow the Fleeing Driver Investigation Practice Guide
 - feedback is provided to the supervisor to acknowledge good practice, and to address any identified areas for improvement.

Legal memorandum relating to general principles of search and inventory

1. Police are entitled to search a vehicle they have impounded in order to make an inventory of personal property for the benefit of the owners of the vehicle or owners of the property. Police are entitled to search the vehicle without warrant provided they do so reasonably and for the purpose of preserving property and identifying its owner. Searches of this nature conducted reasonably and for these purposes, will not breach section 21 of the NZ Bill of Rights Act.
2. Police have a discretionary common law duty to take possession of items of property in circumstances where an owner is unable to take steps to secure the safety of that property.
3. Where there is no immediate or imminent danger to the impounded vehicle and there is a high possibility that the property in the vehicle would be stolen, lost or damaged if left unprotected, the public have a legitimate expectation that Police will secure and care for that property.
4. When Police take action to protect or preserve property but not in connection with any actual or anticipated criminal offending, Police becomes a bailee and is under a legal obligation to keep the property safe and if possible, return the property to the owner. The legal obligation arises from the decision to take responsibility for the property, regardless of whether the owner's identity is known or not.
5. If it is necessary to conduct a search of the property to ascertain its ownership and/or its nature, that search must not be done unreasonably. An excessive search or one conducted for an ulterior purpose, for example to obtain evidence of criminal offending, would not be reasonable and indeed may be unlawful. But if a Police officer is genuinely acting for the predominant purpose of preservation of property, the fact that he or she may suspect wrong doing associated with the property will not, in itself, make the dealing with the property either unlawful or unreasonable at common law or under section 21 of the New Zealand Bill of Rights Act.
 - a. If an occupant of an impounded vehicle denies ownership or knowledge of property located in the vehicle, Police can legitimately inspect the contents in order to ascertain the description of the property and the identity of its owner.
 - b. If, in the course of examining property in an impounded vehicle, an officer finds evidence of criminal offending, any relevant power to search without warrant under the Search and Surveillance Act should immediately be engaged so that that evidence can be examined and seized lawfully.

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