

16 February 2021

REF NUMBER: IR-01-20-1295

Hayden Marsh
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Dear Hayden Marsh

I refer to your Official Information Act 1982 (OIA) request dated 16 January 2021 for information relating to New Zealand Police's policies.

You requested:

- 1. I am aware of the new policies (or updated ones) as of a few weeks ago, and would like to request the relevant documents for these new/updated policies (I believe they're called Fleeing Driver Policy & Urgent Duty Driving Policy).*

The following policies are attached for your reference:

- 'Fleeing Driver Policy' – Last modified 10/12/2020
- 'Urgent Duty Driving' – Last modified 28/11/2019

Please note that the Fleeing Driver Policy itself is not new. The latest version of this policy was revised to give effect to the recommendations arising from the joint New Zealand Police and Independent Police Conduct Authority (IPCA) thematic review into fleeing drivers. You can find more information about this review on the IPCA's website 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>

No recent changes have been made to the Urgent Duty Driving policy however, I have attached this for your reference.

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



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Urgent Duty Driving

Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Overview	4
Introduction	4
Overriding principles	4
What is urgent duty driving?	4
What is a 'critical incident'?	5
Factors to consider	5
Warning devices	5
What is a 'tactical approach'?	5
Legal provisions - defences	7
Breaches of statute	7
Responsibilities	9
Related instructions	9

Policy statement and principles

What

Operating a Police vehicle, especially when engaged in urgent duty driving, including when driving above the speed limit or above the speed of the natural flow of traffic and at intersections, can increase the exposure to risk of injury to Police employees and the public.

Urgent duty driving must be able to be justified in response to the threat, and wherever possible, lights and sirens are continually used unless a tactical response is undertaken.

Ensuring a continuous threat assessment ([TENR](#) – Threat – Exposure - Necessity - Response) while operating a Police vehicle, will assist in minimising risks to all.

Why

Prioritising safety by driving with a high standard of care to minimise exposure to risk is critical to reducing road trauma, and ensuring trust and confidence in Police vehicle operation.

How

Police ensure this by:

- prioritising Police and public safety when driving;
- enforcement officers prioritising safety by driving with a high standard of care;
- recognising that no duty is so urgent that it requires the public or Police to be placed at unjustified risk;
- enforcement officers being aware that they are individually legally responsible for their actions;
- using the Police threat assessment tool [TENR](#), when deciding whether to commence and continue urgent duty driving; and
- continuously using lights and sirens, where fitted, unless a tactical approach is justified.

Overview

Introduction

Urgent duty driving increases risks to public and Police safety and is often subject to considerable scrutiny. Enforcement officers must prioritise safety by driving with a high standard of care, with appropriate use of warning devices, in a manner appropriate to the situation, and in accordance with the [Land Transport \(Road User\) Rule 2004](#) and the [Land Transport Act 1998](#).

Enforcement officers must be able to justify their manner of driving taking into account all of the circumstances that existed at the time.

Overriding principles

The overarching principle is that public and police employee safety takes precedence over the necessity to undertake urgent duty driving.

Additional principles are:

- public and police employee safety must be prioritised;
- urgent duty driving must be conducted in the safest possible manner;
- enforcement officers must drive at a speed and manner appropriate to the circumstances;
- enforcement officers are individually legally responsible for their actions;
- enforcement officers will use the threat assessment tool ([TENR](#)); and
- [category A vehicles](#) are preferred for urgent duty driving as they are more visible.

Note: Where it is necessary to use a vehicle other than a category A, enforcement officers must factor this into their threat assessment. No additional or different legal exemptions exist. The driver must be able to justify their actions based on all of the circumstances that existed at that time.

No duty is so urgent that it requires the public or Police to be placed at unjustified risk.

Note: Enforcement officers must [assess the risk of carrying non-constabulary passengers](#) before undertaking urgent duty driving.

What is urgent duty driving?

Urgent duty driving is when an enforcement officer on duty is driving above the speed limit or above the speed of the natural flow of traffic, and may not be complying with certain traffic rules and is:

either...	and...
<ul style="list-style-type: none"> • responding to a critical incident • gathering evidence of an alleged offence • apprehending an offender for an alleged traffic or criminal offence • responding to a fleeing driver event in accordance with the Fleeing driver policy • providing security to, and facilitating the movement of, an official motorcade as part of an operation (as established in the relevant Operation Orders) • engaged in activities approved by the Commissioner in writing. 	<p>are relying on the defences under the Land Transport (Road User) Rule 2004 (RUR) and the Land Transport Act 1998 (LTA) for not complying with certain traffic rules and regulations which would prevent the execution of that duty.</p>

What is a 'critical incident'?

A 'critical incident' includes situations where:

- force or the threat of force is involved
- any person faces the risk of serious harm
- Police are responding to people in the act of committing a crime.

Factors to consider

Drivers must take all of the circumstances into account including the following factors when deciding to commence or continue urgent duty driving and to determine the appropriate speed and driving manner:

- time of the incident (is it in progress?);
- nature and seriousness of the incident;
- proximity of incident;
- proximity of other units to the incident;
- environment, e.g. weather, traffic volume, road type, speed limit and pedestrians etc.;
- driver classification, vehicle classification and [vehicle passengers](#);
- whether [warning devices](#) are activated or a 'tactical approach' is being used; and
- vehicle type.

Situations may change, meaning drivers and enforcement officers who are passengers must constantly re-assess the situation considering all of the factors, including those above, in line with [TENR](#). The manner and speed of driving must be adjusted accordingly (e.g. environmental conditions, incident seriousness or road speed limit).

Warning devices

Police **must** use red and blue flashing lights and siren at all times (continuously) while undertaking urgent duty driving unless a 'tactical approach' is used.

Police must not rely on road users to take evasive action when warning lights and sirens are activated - they do not guarantee safety.

What is a 'tactical approach'?

A 'tactical approach' refers to urgent duty driving without the activation of either warning lights and/or sirens. Undertaking urgent duty driving without the activation of warning lights and/or sirens increases the road safety risks to public and Police. Therefore, using a tactical approach is the exception rather than the rule. Vehicle speed and manner of driving **must** reflect and take into account the increased risks resulting from the absence of warning devices.

A tactical approach can involve:

- adjusting vehicle speed;
- turning off or not activating the siren; and
- turning off or not activating the warning lights.

Using a tactical approach can be an advantage, allowing you to bring a patrol car closer to an offender/incident without alerting anyone of your arrival. This can also provide you with greater opportunities to gather evidence. Lights, sirens, and engine noise may alert an offender or aggravate a situation.

For example:

- approaching a scene of a serious crime in progress;
- attending a report of a suicidal person; or
- obtaining evidence of a speeding offence, where the offender's driving is not dangerous and the risk of not using the warning devices is judged as low.

Any tactical approach must be proportional to the incident, in line with the [TENR](#) assessment, and be able to be executed safely.

A tactical approach, without lights or sirens whilst exceeding the speed limit or exceeding the speed of the natural flow of traffic, can only be used in justifiable circumstances.

Notes:

- You will need to justify your decision to use a tactical approach should there be any subsequent investigation; and
- if neither lights nor sirens are used, then the defences for proceeding against traffic signals or through intersections do not apply. See '[Legal provisions - defences](#)'.

Note: A tactical approach cannot be used once a fleeing driver incident is initiated. Any deactivation of warning devices must be in line with the fleeing driver [abandonment procedure](#).

Legal provisions - defences

Police involved in urgent duty driving must familiarise themselves and comply with the law. There is no blanket legal protection when involved in these duties, and Police may need to justify their actions in civil and criminal proceedings.

Note that some of the provisions cited below require, in order for the exemption to apply, warning devices to be activated. If warning devices are required but not activated, or not fitted to the vehicle to use, the exemption will not be available.

The [Land Transport \(Road User\) Rule 2004](#) (RUR) and the [Land Transport Act 1998](#) (LTA) provide for defences, subject to these conditions.

You may have a defence for ...	if ...
any act or omission in breach of the RUR (under RUR clause 1.8)	the act or omission was necessary in executing your duty. Note: Where a specific exemption applies (e.g. proceeding against a stop sign), that exemption and associated conditions override this section.
exceeding speed limits (under RUR clauses 5.1 (3)(a), (b) and (c))	you are either: <ul style="list-style-type: none"> engaged in urgent duty and to comply with the speed limit would be likely to prevent the duty being executed driving an emergency vehicle in an emergency and operating a red beacon or a siren, or both (see warning devices) your vehicle is on a road with a speed limit of 60 km/h or more and you are transporting an Executive Council member (all Ministers of the Crown) on urgent public business. (This also applies when you are transporting another person authorised by the Minister on urgent public business).
Proceeding against a stop sign, give way sign or traffic signal (under RUR clause 11.18)	you are: <ul style="list-style-type: none"> driving an emergency vehicle displaying blue or red beacon (or both) or sounding a siren not exceeding 20 km/h (see warning devices) taking due care to avoid collisions with pedestrians and other traffic. Note: All of these conditions apply.
Proceeding through an intersection (under clause 11.19 of the RUR)	you are: <ul style="list-style-type: none"> driving an emergency vehicle displaying blue or red beacon (or both) or sounding a siren not exceeding 20 km/h (see warning devices) taking due care to avoid a collision with other traffic. Note: All of these conditions apply.
The mandatory 28-day licence suspension for exceeding the speed limit by more than 40km/h (under section 95 (6)(b) LTA)	the vehicle is conveying Police performing an urgent duty, and to comply with the speed limit is likely to prevent or hinder that duty being executed.

Breaches of statute

Note that defences for breaches of the [Land Transport \(Road User\) Rule 2004](#) are unlikely to be a defence for contravention of a statute. This particularly applies in respect of excessive speed giving rise to a dangerous speed charge.

Responsibilities

This table sets out the responsibilities of different roles when Police engage in urgent duty driving.

Role	Responsibilities
Driver	<ul style="list-style-type: none"> Complies with the law and drives in a manner that prioritises public and Police safety. Prior to commencing Urgent Duty Driving and continually throughout, conducts threat assessment using TENR.
Enforcement officer who is a passenger	<ul style="list-style-type: none"> Advises the driver about the route, situational factors, risks and threats. Operates the radio if communications are required. Prior to Urgent Duty Driving commencing, and continually throughout, conducts threat assessment using TENR.
Field supervisor	<ul style="list-style-type: none"> Manages Police performance relating to driving behaviour. Identifies and manages health and safety risks to those staff. Immediately reports policy breaches to their superior. Investigates and reports crashes involving a Police vehicle.
Manager	<p>Ensures:</p> <ul style="list-style-type: none"> Sureplan notified of Police Vehicle crashes monitoring of health and safety obligations crash files progressed to the District Road Policing Manager and District Police Professional Conduct Manager for their review.
<p>Controlling officer</p> <p>Note: The controlling officer is a shift supervisor (office of constable) at the appropriate Communications Centre.</p>	<ul style="list-style-type: none"> Ensures units are directed to the incident as appropriate.

Related instructions

This chapter must be read in association with these Police Manual chapters:

- '[Fleeing driver policy](#)'
- '[Police vehicle management](#)'
- '[Professional Police Driver Programme](#)'
- '[TENR-Operational threat assessment](#)'.

Version number: 18

Owner: NM: Road Policing

Publication date: 16/08/2019

Last modified: 28/11/2019

Review date: 16/08/2022

Printed on : 10/02/2021

Printed from : <http://tenone.police.govt.nz/pi/urgent-duty-driving>

Fleeing driver policy

Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Overall principles	4
Related legislation and policy	5
Decisions to stop a driver	5
Driver fails to stop after signalling	6
Decisions to not pursue	6
Radio pro oco	6
Decisions to pursue	6
Radio pro oco	7
Responsibilities during a pursuit	8
Communication and TENR during a pursuit	10
Communication	10
TENR risk assessment during a pursuit	10
Abandoning a pursuit	11
Radio pro oco	11
Action on abandoning a pursuit	12
Ground units	12
Ar Support Unit	12
Responsibilities after a fleeing driver event	14
Subsequent fleeing driver events post abandonment	14
Radio pro oco	15
Tactical options available	15
Investigation	16
Ar Support Unit	16
AOS/STG non-compant fleeing driver stop	17
Appendix A – Verbalising a summary of TENR	18
Appendix B – Key roles and definitions	19
Appendix C: Fleeing drivers: Investigation practice guide	21
Fleeing driver policy	21
Holding fleeing drivers to account	21
Creating the fleeing driver investigation file	21
Conduct enquiries to identify the vehicle registration	21
Unable to obtain registration	21
Registration obtained	21
Details of driver supplied to Police	22
Details of driver not supplied to Police on request	22
Vehicle located in a public place – no person(s) present	22
Vehicle located on private property	23
District review and monitoring	24
Legal memorandum relating to general principles of search and inventory	25

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 occupant(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>

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

Dispatcher	<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>
Initiating or secondary units	<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>
Field supervisors	<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>
Pursuit controller	<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.

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

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

3. Fails to remain stopped - Wanted to interview	
Threat:	<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>
Known offender, posing no immediate threat. Safety of the protected person is the primary consideration. Event can be resolved through an investigation.	

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	<p>Urgent duty driving is when an enforcement officer on duty is driving above the speed limit or the natural flow of traffic, and may not be complying with certain traffic rules and is either:</p> <ul style="list-style-type: none"> • responding to a critical incident • gathering evidence of an alleged offence • apprehending an offender for an alleged traffic or criminal offence • responding to a fleeing driver event in accordance with the Fleeing driver policy • providing security to, and facilitating the movement of, an official motorcade as part of an operation (as established in the relevant operation orders) • engaged in activities approved by the Commissioner in writing, 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.

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.

Version number: 12

Owner: NM: Road
Policing

Publication date: 09/12/2020

Last modified: 10/12/2020

Review date: 09/12/2022

Printed on : 10/02/2021

Printed from : http://tenone.police.govt.nz/pi/fleeing_driver_policy