

Routine Carriage of Firearms – Canterbury Police – 27 February to 3 March 2019

Precipitating incidents

At about 12:45am on Saturday 23 February 2019, Tolu MA'ANAIAMA was driving his black Holden Executive motor vehicle with two associates, including Treik ALLEN, who was in the right rear passenger seat. The vehicle was observed by a passing Police patrol and signalled to stop on Anzac Drive, Christchurch. MA'ANAIAMA failed to stop and a pursuit was initiated.

Moments after initiating the pursuit the Police unit observed what they believed to be three shots being fired from the Holden vehicle in their direction.

The Police unit continued to pursue the Holden vehicle, during which time it travelled at speeds in excess of 140kph.

On Dyers Road the pursuing Police unit once again observed the discharge of a firearm in the general direction of their vehicle. Due to the excessive speed and manner of driving the officers abandoned the pursuit and stopped on Dyers Road.

Not long after the pursuit was abandoned a second Police unit was stationary on Garlands Road. The second Police unit observed a Holden vehicle matching the description of the vehicle involved in the pursuit turn onto Garlands Road travel towards them. As the Holden vehicle passed the second Police unit the officers described hearing a single loud “popping” sound which led them to believe a further shot had been fired at their vehicle.

The second police unit completed a U-turn to pursue the offending vehicle. The Holden vehicle was seen to continue on Garlands Road before turning left onto Opawa Road. The vehicle was not seen again that evening.

At about 7:20pm on Tuesday 26 February 2019, MA'ANAIAMA was sitting in his black Holden which was parked on Breezes Road, Christchurch. He had a loaded 12 gauge pump-action shotgun with him in the vehicle. There were no other occupants.

Officer A was driving a marked Police patrol car on Breezes Road. MA'ANAIAMA saw Officer A's Police vehicle and laid down in an attempt to hide from him. Officer A identified the Holden vehicle and approached it. As Officer A reached the vehicle MA'ANAIAMA sat up in the driver's seat and drove away at speed. Officer A drove behind the vehicle and signalled for him to stop by activating his patrol car's red and blue flashing lights and siren. The vehicle failed to stop and was pursued by Officer A.

Officer E had laid a tyre deflation device on QEII Drive near the intersection with Marshland Road. As the vehicle approached the intersection with Marshland Road MA'ANAIAMA swerved onto the footpath in an attempt to strike Officer E with his vehicle. The vehicle narrowly missed Officer E but drove over the tyre deflation device.

As MA'ANAIAMA proceed onto North Parade he held the shotgun out of the window for the pursuing police officers to see. He returned the shotgun to the vehicle and turned left onto North Avon Road and then immediately turned right onto Eveleyn Couzins Avenue. During this turn the front right tyre came off the vehicle.

MA'ANAIAMA continued to drive slowly down Eveleyn Couzins Avenue, pointing the shotgun out the window at Officer A, who was still in pursuit. Also involved in the pursuit were officers B, C and D.

MA'ANAIAMA brought his black Holden to a stop adjacent to Avebury Park. Seconds later Officers A, B, C and D stopped their patrol vehicles approximately 25 metres behind the Holden. All officers exited their patrol vehicles.

MA'ANAIAMA exited his vehicle with the shotgun and ran a short distance away before returning and using the vehicle as cover. He took up a firing position at the front of his vehicle, stepped out of cover, aimed the shotgun at the officers and fired at them. He moved back into cover behind his vehicle and reloaded the shotgun. He stood up again and fired at the officers. A shotgun pellet has hit Officer A's patrol car and the waddings from both shots landed just in front of Officer A's patrol vehicle. Further shotgun pellets were located down the length of Eveleyn Couzins Avenue.

While MA'ANAIAMA was shooting at police they shot back at him. During the confrontation he was shot and incapacitated. Once incapacitated he was arrested and subsequently given first-aid by the attending police officers.

Routine carriage of firearms

After this incident, District Commander John Price was briefed by telephone and approved routine carriage of firearms for the Canterbury District until 8.30am on 27 March 2019.

The decision to authorise routine carriage of firearms is guided by the Police firearms policy¹. Superintendent Price considered three key components: the New Zealand Police Tactical Options Framework²; the [Health & Safety at Work Act 2015](#) and [Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#); and the New Zealand Police Our Business³.

Following the New Zealand Police Tactical Options Framework, Superintendent Price carried out a perceived cumulative assessment using the TENR model. The TENR model⁴ is the Police operational threat assessment methodology, a decision-making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The TENR process involves considering four key elements: threat, exposure, necessity, and response.

As a PCBU (person conducting a business or undertaking) under the [Health & Safety at Work Act 2015](#), Superintendent Price also considered his duty to identify hazards, and minimise risks to health and safety by implementing, maintaining and reviewing control measures (sections 5 to 8 of [Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#)).

Superintendent Price also considered the New Zealand Police Our Business, and his duty to ensure his staff are equipped and enabled to prevent crime and victimisation and apprehend offenders. The primary intent of routine carriage of firearms is the safety of all, upholding the New Zealand Police purpose of "Be Safe, Feel Safe" which is inclusive of Police staff and the community.

In this case Police believed that an outstanding offender or offenders had shot at Police on two separate occasions on 23 February, followed by an associate shooting at Police

¹ Document "Police firearms"

² Document "Tactical Options Framework"

³ Document "Our Business 2018-19"

⁴ Document "TENR"

on 26 February. This behaviour indicated the offender was armed and a danger to Police staff and the community. Due to the high likelihood of grievous bodily harm or death and the need for high degree of force the order for routine carriage of firearms for a specified period was given by Superintendent Price.

At 12.24am on Wednesday 27 February, an email⁵ was sent from the District Command Centre to all staff advising that routine carriage of firearms had been approved until 8.30am that morning.

A daily briefing was held by Superintendent Price at 8.00am at the Christchurch Central Police station for the period from 27 February until 1 March 2019. Briefings were not held on 2 and 3 March 2019 as it was the weekend. The briefings were attended by senior managers, including Prevention Manager Inspector Ashley Tabb and OC CIB Superintendent Corrie Parnell. Prevention Manager Inspector Ashley Tabb took notes⁶ during the briefings. As the decision maker and briefing lead, Superintendent Price did not take notes.

During the briefings Superintendent Price carried out a reassessment of the situation by considering information regarding the offender, investigation and operational considerations from the investigation head, Christchurch Metro Area Commander, Metro Response Manager, OC CIB, Prevention Manager, and AOS Commander. As OC CIB, Superintendent Parnell provided information during the briefings relating to the outstanding offender, Treik ALLEN. This engagement process ensured a robust and rigorous approach to decision-making. As the offender remained at large during this time Superintendent Price determined that routine carriage of firearms was still required.

Superintendent Price's decisions regarding the continuation of routine carriage of firearms during this period were communicated to staff via email⁷ by the District Command Centre and/or Intel staff.

At 2.15pm on 3 March 2019, Treik ALLEN was arrested by Police and his firearm was recovered. At this time the risk to Police staff and the community was minimised to the extent that a response of routine carriage of firearms was no longer required.

At 5.30pm, an email⁸ was sent via the District Command Centre to all Canterbury Police staff advising that at the District Commander's instruction routine carriage of firearms had been lifted as of 5.15pm.

Outcome of charges

Treik ALLEN has been convicted and sentenced for Using a Firearm to Prevent Arrest on 23 February 2019.

Tolu MA'ANAIAMA has been convicted and sentenced for Aggravated Failing to Stop on 23 February 2019, and Using a Firearm against Law Enforcement Officer, Unlawful Possession of a Firearm, and Aggravated Failing to Stop on 26 February 2019.

⁵ Document "Emails_Redacted", p. 1

⁶ Document "Notebook Entries_Redacted"

⁷ Document "Emails_Redacted", pp. 3-16

⁸ Document "Emails_Redacted", p. 18