



Pursuit resulting in serious injury to Benjamin Eden

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

1. At about 10:49pm on Thursday 11 November 2010 a Honda Integra driven by Benjamin Eden, aged 26, collided with a concrete power pole following a Police pursuit in Taita, Lower Hutt. Mr Eden suffered serious head injuries.
2. The Police notified the Independent Police Conduct Authority of the pursuit, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.
3. The officer involved in the pursuit was interviewed by both the Police and the Authority following the event.

BACKGROUND

Summary of events

4. At about 10.45pm on Thursday 11 November 2010, Benjamin Eden was driving a Honda Integra (Honda) on Fergusson Drive, Upper Hutt towards the roundabout at the intersection with Eastern Hutt Road. Mr Eden was alone in the vehicle.
5. At the same time, Officer A was in a category A marked police car driving north on Eastern Hutt Road towards the same intersection.
6. A category A car is authorised to be the lead car in pursuits. Officer A was the driver. He is certified as a gold licence holder having been trained under the Police Professional Driver Programme (PPDP) and is therefore qualified to engage in pursuits as the lead driver. Officer A was alone in the patrol car, which meant that he was also responsible for operating the radio and communicating with the Police Central Communications Centre (CentComms). Officer A had also been trained in the new Police Fleeing Driver Policy, which was implemented on 18 October 2010 (see paragraph 46 for detail).

7. Officer A saw the Honda driven by Mr Eden as he approached the roundabout at the junction of Eastern Hutt Road and Fergusson Drive. Officer A's attention was drawn to the Honda's loud exhaust noise and the speed at which it accelerated out of the roundabout.
8. Officer A did not recognise Mr Eden nor become aware of his identity until after the crash had occurred.
9. Mr Eden drove at high speed under the Silverstream Rail Bridge and along Eastern Hutt Road in the opposite direction to Officer A. In his later Police interview, Officer A stated: *"I would estimate he was doing 100kmph in a 80kmph area. I had already decided to catch up to him to carry out a turnover."* Officer A said that he did not know whether the driver knew there was a police car behind him. He accelerated to 120kph in an attempt to catch up with Mr Eden.
10. Officer A told the Authority that Mr Eden's manner of driving, together with the time of night, led him to suspect that Mr Eden may have been driving under the influence of alcohol.
11. Officer A had to go through the roundabout before he could follow the Honda. By the time he emerged from under the rail bridge he could see the Honda in the distance and estimated it was travelling at around 100kph.
12. Because of the curvature in the road and the distance between the two cars, Officer A could not use his radar device to obtain a speed reading. In his Authority interview, Officer A said *"(I) followed in excess of the speed limit to catch up to him, at that point I didn't activate my red and blue lights. I was using what I considered to be a tactical option to catch up to him."*
13. After following the Honda for about 2.5 kilometres, Officer A caught up to Mr Eden before the intersection of Eastern Hutt Road and Stokes Valley Road. Officer A closed to within 25 metres of the Honda and obtained its licence plate details. He estimated Mr Eden's speed as 90kph.
14. Officer A told the Authority said he was aware of a safe lay-by area just before the Stokes Valley Road intersection, where he intended to pull over Mr Eden. (See paragraphs 31 and 32). As the two cars approached the lay-by, Officer A activated his warning lights, siren and flashed his headlights to signal to Mr Eden that he was required to stop.
15. Mr Eden ignored the warning signals and drove past the lay-by area at about 90kph. Officer A was travelling at a similar speed.

16. Mr Eden accelerated as he approached the roundabout at the intersection with Stokes Valley Road, underpassing two vehicles as he exited the roundabout. He continued along Eastern Hutt Road. Officer A also accelerated. Officer A told the Authority he was travelling at 150kph and was not gaining any distance on the Honda, which was about 200–250 metres ahead of him.
17. Officer A concluded that Mr Eden was deliberately attempting to evade apprehension and at 10:48:16pm, as required under the Police fleeing driver policy (see paragraph 52), Officer A notified CentComms: *“got a vehicle failing to stop”*.
18. Police fleeing driver policy requires that once a pursuit has commenced, the communications centre dispatcher must give the warning, *“If there is any unjustified risk to any person you are to abandon pursuit immediately, acknowledge”*. The dispatcher immediately gave this warning and Officer A acknowledged it.
19. In the same transmission, Officer A also advised CentComms that he was a gold class driver in a category A vehicle, heading southbound on Eastern Hutt Road at 150kph, and he also provided the Honda’s registration number.
20. As Officer A was providing the registration number, the dispatcher was joined by a supervisor, who assumed the role of ‘pursuit controller’ as required under the fleeing driver policy. The pursuit controller did not hear that the pursuit speed had reached 150kph (for more on the roles of dispatcher and pursuit controller see paragraphs 57 and 58).
21. By this time Mr Eden was driving through the roundabout at the intersection with High Street. Officer A was driving at 150kph, and was not gaining on Mr Eden. The speed limit on Eastern Hutt Road changes from 80kph to 70kph approximately 100 metres before this roundabout.
22. Officer A told the Authority he assessed the risks in continuing the pursuit at this point, noting there was no traffic on the road ahead; the road was dry, straight and well sealed; and there was no concern about Mr Eden’s manner of driving other than his speed. Officer A decided Mr Eden’s speed was not excessive in the circumstances and concluded there were no undue risks in continuing the pursuit.
23. About 550 metres further along Eastern Hutt Road, just south of the Pomare train station, the speed limit changes from 70kph to 50kph. The road bends twice, to the left and then to the right.
24. Officer A was driving past Pomare train station when he lost sight of the Honda as it entered the corners. Officer A told the Authority he had already decided to abandon the pursuit if he could no longer see Mr Eden’s car after he had negotiated the bends (see paragraph 54).

25. The dispatcher asked Officer A for the speed limit on Eastern Hutt Road. Officer A did not answer this question; he later said in interview with the Authority, that he did not hear it (see paragraph 26). Officer A instead advised CentComms that: *"No other vehicles on the road. Speed 140, approaching Eldon Grove"*. The dispatcher did not prompt Officer A for the speed limit again, but asked him for the original reason for the pursuit. Officer A did not answer this question as by then he had come across the crash scene. He instead advised the dispatcher that the: *"vehicle has crashed. It's near the intersection of Eldon Grove"*.
26. When asked in Police interview why did he not answer the dispatcher's speed limit query; Officer A said that he did not hear the dispatcher ask for the speed limit because: *"...at the time I believe I was negotiating the left turn at the High Street / Eastern Hutt Road roundabout and had put my microphone down so to use both hands on the steering wheel."* The police vehicle driven by Officer A was not fitted with hands-free technology.
27. Shortly after exiting the second bend in the road, Mr Eden lost control of the Honda and collided with a concrete power pole.
28. When Officer A arrived on the scene he immediately got out of his patrol car to give assistance to Mr Eden. When he ascertained that Mr Eden was seriously injured, he radioed CentComms requesting urgent medical assistance.
29. Officer A had followed the Honda at speed for a distance of 4.5 kilometres. CentComms was aware of the pursuit for the last two kilometres. The radio transmission lasted about one minute and four seconds.

Environment

30. On the evening of the crash, the weather was fine and the roads were dry. Visibility was good as the road was lit by street lights.
31. The nature of the road was open and flowing with single lanes in each direction. In places along Eastern Hutt Road the lanes are separated by a median barrier. There was minimal traffic; Officer A encountered three cars, two at the intersection with Stokes Valley Road and one that had stopped on the roundabout at the intersection with High Street.
32. The area through which the urgent duty driving and pursuit took place is largely free of residential and industrial buildings, and other than the intersections with Stokes Valley Road and High Street has only one feeder road. For the majority of the pursuit Eastern Hutt Road is bordered by the Hutt River on one side and bush land on the other. Between the intersections of Stokes Valley Road and High Street, Eastern Hutt Road is double-laned with a substantial median barrier.

Police crash analysis

33. The crash analysis investigator concluded there were two causative factors resulting in Mr Eden losing control of the Honda. The primary contributor was speed, with Mr Eden driving at between 100-110kph in a 50kph speed limit zone. The crash investigator also identified a minor fault with the Honda's suspension which would have been exaggerated while driving at high speeds and made cornering more difficult.

Benjamin Eden

34. At the time of the pursuit Mr Eden's licence was suspended for three months due to excessive demerit points.
35. Mr Eden was charged with dangerous driving, failing to stop for red and blue flashing lights and driving whilst his licence was suspended. On 9 September 2011 Mr Eden pleaded guilty and was convicted and sentenced on these charges.
36. Mr Eden sustained severe injuries as a result of the crash.

Toxicology

37. There was no evidence of alcohol in the sample of blood taken from Mr Eden on his arrival at Wellington Hospital.
38. Officer A was breath tested immediately after the incident and returned a negative result.

LAWS AND POLICIES

Urgent duty driving

Definition

39. Urgent duty driving is defined as occurring when:

*"...an officer on duty is **either***

- responding to a critical incident*
- apprehending an offender for a traffic or criminal offence*
- engaged in a pursuit; or*
- engaged in activities approved by the commissioner in writing*

***and** to comply with traffic rules and regulations would prevent the execution of that duty [emphasis in original]."*

40. Critical incidents include situations involving (i) force or the threat of force, (ii) any person facing the risk of serious harm, or (iii) officers responding to people in the act of committing a crime.

Overriding principle

41. Under the Police urgent duty driving policy, the overriding principle is: *“No duty is so urgent that it requires the public or police to be placed at unjustified risk.”*
42. When deciding whether it is appropriate to commence or continue urgent duty driving, an officer must consider the following factors:
- *“time of the incident – is it in progress?”*
 - *nature and seriousness of the incident*
 - *proximity of other units to the incident*
 - *environment e.g. weather, traffic volume, road type, speed limit and pedestrians etc*
 - *driver classification and vehicle classification*
 - *whether warning devices are activated or a “silent approach” is being used [emphasis in original].”*

Warning Devices

43. The policy states that Police must use flashing lights and sirens at all time (continuously) unless a “silent approach” is tactically appropriate and can be used safely.
44. A silent approach involves reducing speed and turning off sirens when in close proximity to critical incidents.

Legislative authority for pursuits

45. Under the Land Transport Act 1998, the Police are empowered to stop vehicles for traffic enforcement purposes. Under the Crimes Act 1961, the Police are empowered to stop vehicles in order to conduct a statutory search or when there are reasonable grounds to believe that an occupant of the vehicle is unlawfully at large or has committed an offence punishable by imprisonment. Where such a vehicle fails to stop, the Police may begin a pursuit.

Fleeing driver policy

New policy

46. On 18 October 2010, Police replaced the pursuit policy with the fleeing driver policy. The policy addresses *“the conduct and management of how Police pursue fleeing drivers”*.

Definition

47. Under the policy, a fleeing driver incident occurs when (i) the driver of a vehicle has been signalled by police to stop, (ii) the driver fails to stop and attempts to evade apprehension, and (iii) police take action to apprehend the driver. The police tactic to apprehend is referred to as a pursuit.

Overriding principle

48. Under the Police fleeing driver policy, the overriding principle for conduct and management of pursuits is: *“Public and staff safety takes precedence over the immediate apprehension of the offender.”*

Risk assessment

49. Under the Police fleeing driver policy, the pursuing officer[s] must carry out a risk assessment **both prior to initiation and during a pursuit** (emphasis added). The policy states that *“assessing the risks must be a continuous process until the pursuit is resolved or abandoned.”* The officers involved in the pursuit must provide situation reports to the pursuit controller in a timely manner to enable the pursuit controller to make an independent assessment of the risks and manage the pursuit, including whether to direct the abandonment of the pursuit.
50. The assessment must be based on the following: consideration of the speed limit and manner of driving by the offending vehicle; identity and other characteristics of the occupants of the offending vehicle; weather conditions; the environment, including the location, road type and potential hazards; traffic conditions, including vehicle and pedestrian as well as time of day; and capabilities of the police driver and vehicle. The pursuing officers and the pursuit controller must then use the risk assessment factors to *“...determine whether the need to immediately apprehend the fleeing offender is outweighed by the potential risks of a pursuit to:*
- *the public*
 - *the occupants of the pursued vehicle*
 - *Police.”*

51. The policy instructs that if there is no need to immediately apprehend the fleeing driver, or the risks are too great, a pursuit must **not** be initiated, or should be abandoned (emphasis in Police policy).

Communication requirements

52. When a pursuit commences, the communications centre must be notified. The communications centre must provide the warning referred to in paragraph 18, which the pursuing officer[s] must acknowledge. The pursuing officer[s] must provide information about their location and direction of travel. The communications centre must prompt for information about the reason for the pursuit, vehicle description, driving speed and posted speed limit, road and traffic conditions, weather, the offender's manner of driving and identity, and the police driver and vehicle classifications as well as confirmation that warning devices are activated on the police car.

Abandonment

53. A pursuit must be abandoned if at any stage the risks to safety outweigh the immediate need to apprehend the offender. The police driver, passenger (if senior in rank or service) and the pursuit controller are all authorised to abandon pursuit. The pursuit controller must then give the direct order: *"All units, [Comms Centre] Alpha, abandon pursuit now. I say again, all units abandon pursuit now."*
54. The policy states that: *"A pursuit must be abandoned when any of the following criteria apply:*
- *an offender's identity becomes known and apprehension can be effected later, so long as there is no immediate threat to public or staff safety or the fleeing vehicle's locations is no longer known*
 - *the distance between the primary unit and the offending vehicle is such, that in order for the Police vehicle to catch up to it, the speed involved creates an additional risk, and Police no longer has the ability to warn road users of the fleeing vehicle*
 - *if a person is injured during the pursuit and there is no other unit available to render assistance*
 - *there is a sustained loss of contact between the primary and / or secondary units with Comms, or the units fail to provide critical information to Comms in a timely manner*
 - *when the siren and / or warning lights fail to operate*

- *any risk assessment criteria conditions change, such as an increase in traffic volumes or weather or road conditions, that mean the risks of continuing with the pursuit outweighs the need for immediate apprehension of the fleeing driver.”*

55. The policy sets out the steps that must be carried out following a decision to abandon a pursuit:

Step	Action
1	<i>Acknowledge the direction to abandon pursuit, or advise the pursuit controller that the pursuit has been abandoned.</i>
2	<i>Immediately reduce speed to increase the distance between the fleeing vehicle and their own</i>
3	<i>Deactivate warning devices once below the speed limit</i>
4	<i>Stop as soon as it is safe to do so</i>
5	<i>Report abandonment to the pursuit controller, confirming that they are stationary and giving their position.</i>
6	<i>Undertake a search phase if authorised by the pursuit controller.</i>

Roles and responsibilities

56. Under the policy, the driver of a police vehicle has primary responsibility for the initiation, continuation and conduct of a pursuit. The driver must comply with relevant legislation, ensure lights and siren are activated, drive in a manner that prioritises public and police safety, continue to undertake risk assessments throughout the pursuit, maintain constant communication with the communications centre, comply with all directions from the pursuit controller (i.e the shift commander at the police communications centre), and comply with all directions from a police passenger if the passenger is senior in rank or service.
57. The dispatcher at the police communications centre must advise the pursuit controller that a pursuit has commenced, maintain radio communications with staff involved in the pursuit, give the safety reminder referred to in paragraph 18, and communicate instructions from the pursuit controller.
58. The pursuit controller is responsible for supervising the pursuit and coordinating the overall police response, and for selecting and implementing appropriate tactics. When a shift commander is unavailable, a communications centre team leader may take over as pursuit controller.

THE AUTHORITY'S FINDINGS

ISSUE 1: OFFICER A'S ACTIONS PRIOR TO THE PURSUIT

Background

59. Prior to the pursuit, Officer A drove in excess of the speed limit without his warning devices activated, between the Silverstream rail bridge on Eastern Hutt Road and the roundabout at the corner of Stokes Valley Road: a distance of about 2.2 kilometres.
60. During this time, Officer A had not signalled to Mr Eden that he was required to stop. Officer A was therefore not in pursuit of Mr Eden (see definition of pursuit at paragraph 47).
61. Officer A has stated that he was driving at speed as a *"tactical option"* to try to catch up with Mr Eden to clarify whether or not Mr Eden was in fact exceeding the speed limit. Police policy does not authorise such a tactical option.
62. The Police urgent driving policy only permits a police driver to drive at speed in certain prescribed circumstances (see paragraphs 39-40) with warning devices activated at all times (see paragraph 43) unless a silent approach is tactically appropriate (see paragraph 44).
63. The Authority has considered whether Officer A complied with the urgent driving policy when he followed Mr Eden at speed for 2.2 kilometres before the pursuit commenced.

Was Officer A justified in commencing urgent duty driving?

64. Officer A holds a gold classification under the PPDP and is qualified to conduct urgent duty driving.
65. Police policy permits urgent duty driving when an officer would be prevented from *"responding to a critical incident"* or *"apprehending an offender for a traffic or criminal offence"* if they were required to comply with the traffic rules and regulations. (see paragraphs 39 and 40).
66. Officer A engaged in urgent duty driving because he suspected that Mr Eden was driving in excess of the speed limit, and that he may be driving under the influence of alcohol. In order to verify this, Officer A drove in excess of the speed limit to catch up with, and stop, Mr Eden (see paragraph 7 and 9).
67. In driving in the manner that he did, Officer A was *"apprehending an offender for a traffic offence"*.

68. In addition, Police policy states that when deciding whether it is appropriate to commence urgent duty driving, an officer must consider, amongst other things, the “*environment*” and the “*nature and seriousness of the incident*” (see paragraph 42). The overriding factor being that no duty is so urgent that it requires the public or police to be placed at unjustified risk (see paragraph 41).
69. At the time he commenced urgent duty driving, Officer A:
- did not know the identity of the driver of the Honda;
 - suspected that the Honda was being driven in excess of the speed limit (100 kph in a 80kph zone); and
 - suspected that the driver of the Honda may also have been under the influence of alcohol.
70. In terms of the environment, Officer A noted:
- that the weather was clear and dry;
 - noted that the road was in good condition and was well lit;
 - there was very little other traffic and only one feeder road; and
 - the area was largely free from residential or industrial buildings.
71. In the Authority’s view the circumstances were such that benefit of engaging in urgent duty driving to apprehend Mr Eden outweighed the risks to the public.

FINDING

Officer A was justified under Police policy in undertaking urgent duty driving.

Did Officer A comply with the urgent duty driving policy?

72. The Authority also considered whether Officer A complied with the urgent duty driving policy.
73. Police policy requires that warning devices are to be activated “*continuously*” during urgent duty driving. The only exception to this rule is when a “*silent approach*” is tactically appropriate. A silent approach involves reducing speeds and turning off sirens when in close proximity to a critical incident (see paragraphs 43 and 44). Police urgent duty driving policy contains an explanation of when a silent approach may be required, stating: “*Sirens and engine noise may alert and offender or aggravate a situation. e.g. when approaching the scene of a crime in progress or report of a suicidal person.*”

74. The Authority finds that the incident involving Mr Eden was not a “critical incident” as defined in, or anticipated by, the urgent duty driving policy. Officer A’s use of a silent approach as a “*tactical option*” to catch up to Mr Eden was not compliant with Police policy.
75. Officer A should have activated his lights and siren when driving at 120kph in an 80kph speed zone.

FINDING

By failing to activate his warning devices while engaged in urgent duty driving, Officer A did not comply with Police policy.

ISSUE 2: OFFICER A’S ACTIONS DURING THE PURSUIT**Was Officer A justified in commencing the pursuit?**

76. Officer A and his marked patrol car were appropriately classified to engage in pursuits under the PPDP.
77. Mr Eden was signalled to stop under section 114 of the Land Transport Act 1998. Because he failed to stop, Officer A had the authority to commence a pursuit.
78. The reaction of Mr Eden, once he became aware of the signal to stop on Eastern Hutt Road, was to rapidly accelerate and underpass two vehicles on a roundabout.
79. Officer A carried out a risk assessment prior to the pursuit as required by policy, and considered that the risk was low. The risk factors were largely identical to the moment when he commenced urgent duty driving (see paragraphs 69 and 70). Two additional factors were taken into consideration by Officer A:
 - Officer A had obtained the Honda’s licence plate details, however the identity of the driver still remained unknown to police; and
 - Mr Eden had underpassed two vehicles at high speed on a roundabout at an intersection.

FINDINGS

Officer A complied with the law and with Police policy in commencing the pursuit.

The officer considered the relevant risk factors and formed the view that the immediate need to apprehend the offender outweighed the risks.

Communication

80. Officer A did not notify CentComms until he considered that he was in fact in pursuit, rather than engaged in urgent duty driving (see paragraphs 11, 15 and 17).
81. Officer A advised CentComms he was in pursuit when Mr Eden failed to stop at the lay-by area to the north of the Stokes Valley Road intersection (see paragraphs 15 and 17). Officer A had at that stage followed Mr Eden at speed for approximately 2.5 kilometres.
82. The dispatcher gave Officer A the safety warning required under the fleeing driver policy and Officer A acknowledged the warning. He also provided his licence and car classification; direction of travel; speed and the registration number of the Honda (see paragraphs 18 - 20).
83. From this point until the crash occurred, a period of just over 1 minute, there was good communication between Officer A and the dispatcher.
84. The dispatcher then requested Officer A to advise of the speed limit on Eastern Hutt Road. Officer A did not respond to this question and the dispatcher did not prompt him for a response. However, Officer A did provide a further update on traffic conditions, his speed (140kph) and direction of travel (see paragraphs 25 and 26). The Authority accepts Officer A's explanation that he did not hear the dispatcher's question about the posted speed limit because he was putting down the radio to concentrate on his driving (paragraph 26).
85. The dispatcher then sought further information from Officer A, by requesting the original reason for the pursuit. Officer A did not respond to this question, but instead informed the dispatcher that the Honda had crashed at the intersection with Eldon Grove (see paragraph 25).
86. Officer A was driving at a speed of 140kph in a 70kph zone. If he had informed CentComms of the speed limit it would have allowed a more accurate risk assessment of the pursuit. Reporting the speed limit is a new requirement under the fleeing driving policy. Officer A had been trained in the new policy, which had been in place for three weeks at the time of this pursuit.
87. The Authority is of the view that it would have been desirable for the dispatcher to further prompt Officer A when information was not initially forthcoming. However the Authority accepts that in the circumstances there was little opportunity for further prompting on risk factors.

FINDING

Officer A complied with the fleeing driver policy in respect of communication as far as he was able to in the circumstances.

Speed and manner of driving of Officer A

88. The fleeing driver policy requires officers to drive in a manner that prioritises the safety of the public and staff. In accordance with this policy, Officer A kept the patrol car's warning lights and siren activated at all times during the pursuit (see paragraph 14).
89. Officer A reached speeds of 140-150kph on a road with a speed limit of 80kph, which changes to 70kph shortly before the intersection with High Street (see paragraph 21). The following factors increased the risk associated with driving at those speeds:
- Officer A was alone, which meant he had to communicate with CentComms as well as concentrate on his driving;
 - he had to negotiate two roundabout intersections during the pursuit; and
 - whilst the lighting was good, there were increased hazards associated with driving at night.
90. The following factors decreased the risk:
- Officer A was familiar with the area (see paragraphs 14 and 25);
 - the road was for the most part open and flowing, with no feeder roads during the pursuit phase;
 - the road was largely free of residential and industrial buildings;
 - there was minimal traffic; and
 - the weather conditions were fine and the road was dry.
91. Notwithstanding Officer A's on-going risk assessment, the Authority is of the view that his speed of 140–150kph whilst lawful, was undesirable.

FINDING

The speed at which the patrol car was driven, whilst lawful, was undesirable.

On-going risk assessment and the option of abandoning pursuit

92. Officer A carried out ongoing risk assessments throughout the pursuit, as required by policy (paragraph 22).
93. The pursuit ended when Officer A discovered Mr Eden's car crashed into a concrete power pole.
94. Officer A had already decided to abandon the pursuit if he could no longer see Mr Eden's car after he had negotiated the adjoining bends on Eastern Hutt Road (see paragraph 24).
95. Officer A provided CentComms with information relating to the pursuit, but did not hear the question relating to speed limit. This information would have enabled the pursuit controller to make an informed decision about continuation or abandonment of the pursuit (see paragraphs 25 and 26).

FINDINGS

Officer A carried out ongoing risk assessments in accordance with policy.

The pursuit was over before the pursuit controller could be provided with adequate information to make a determination on abandonment.

CONCLUSIONS

96. Officer A was not justified in driving at speed, without his lights and siren activated, in an attempt to catch up with Mr Eden, prior to the commencement of the pursuit.
97. Officer A was justified in law and under Police policy in commencing the pursuit.
98. Other than the high speed reached by Officer A, the pursuit was conducted largely in accordance with policy.
99. Pursuant to section 27(1) of the Independent Police Conduct Authority Act 1988 (the Act) the Authority has formed the opinion that:
 - The actions of Officer A in driving at speed without warning devices activated was not justified; and
 - The speed reached by Officer A during the pursuit, whilst lawful, was nevertheless undesirable.

100. Pursuant to section 27(2) of the Act the Authority recommends that:

- Officer A is provided with remedial training to address the need to have warning devices activated continuously when driving over the speed limit in the discharge of his duties;
- Police continue with the implementation of hands free technology in all operational vehicles.



HON JUSTICE L P GODDARD

CHAIR

INDEPENDENT POLICE CONDUCT AUTHORITY

22 NOVEMBER 2011

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is chaired by a High Court Judge and has other members.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority has highly experienced investigators who have worked in a range of law enforcement roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must determine whether any Police actions were contrary to law, unreasonable, unjustified, unfair, or undesirable. The Authority can make recommendations to the Commissioner.



IPCA

Independent Police Conduct Authority
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