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Media release: EMBARGOED to 12 noon

Report on Police pursuit released

The Independent Police Conduct Authority has recommended that Police review and change their policies following a pursuit of a motorcyclist who suffered serious bodily harm, including a severe brain injury, when he crashed during a Police pursuit.

The Authority has publicly released the report of its investigation into the pursuit of Dion Troy Batt, then aged 34, who crashed into a traffic island on Don Buck Road in Massey, Auckland, while fleeing from Police on 27 March 2010.

The Authority found the incident, which lasted 25 minutes and involved at least 11 Police units as well as the Police Helicopter Eagle, lacked adequate command and control, and was plagued with communication issues and breaches of Police policy.

Police first began pursuing Mr Batt at about 9.24pm after seeing him riding his motorcycle at more than 100 kph in a 50 kph speed zone. That pursuit was abandoned by the pursuit controller at the Police Northern Communications Centre (NorthComms) within three minutes because he felt that the risks involved in continuing were too high.

Units in the area were then advised by the NorthComms dispatcher for the North Shore radio channel to search for the motorcycle. Eagle located Mr Batt within five minutes and advised the North Shore dispatcher. At least 11 patrol units, controlled separately by the North Shore, Western and Metro dispatchers, then became involved and drove towards Mr Batt as he rode south on the Northern Motorway and west on the Upper Harbour Highway and Hobsonville Road. Most of these units were driving at speed.

The involvement of three dispatchers on three separate radio channels caused serious communication difficulties between NorthComms and some of the Police units.

The Authority noted there was a lack of command and control by NorthComms, largely due to the fact that the pursuit controller had not been notified that Eagle had located Mr Batt. This contributed to confusion regarding a number of issues, including: the status of the pursuit (active or abandoned); which channel was running the incident; and the number of units involved.

At 9.44pm an unauthorised road block was set up by a West Auckland unit on Hobsonville Road. Mr Batt rode through the road block before speeding away. The

pursuit controller, who was by then aware that the incident had continued, ordered all units, including Eagle, to abandon the pursuit. However this order was not given over all three radio channels and some units did not hear it.

A motorcycle officer on the Metro channel did not hear the order to abandon and, without communicating his intent to NorthComms, began pursuing Mr Batt into Don Buck Road reaching a maximum speed of 122kph in a 50kph speed zone. A short time later, Mr Batt crashed into the traffic island and suffered serious injuries.

The Authority concluded that the initial attempt to stop Mr Batt on Whangaparaoa Road for traffic enforcement purposes was justified and the decision to abandon that pursuit was the correct one. However, the continuing incident featured a number of breaches of Police policy and a lack of command and control of radio communications.

Section 27(1) of the Independent Police Conduct Authority Act 1988 (the Act) requires the Authority to form an opinion as to whether or not any act, omission, conduct, policy, practice or procedure that was the subject-matter of an investigation was contrary to law, unreasonable, unjustified, unfair or undesirable. Section 27(2) enables the Authority to make recommendations.

Pursuant to section 27(1) of the Act, the Authority has found that 17 Police actions during this incident were undesirable. These were mainly in connection with poor command and control, communication and risk assessments.

The Authority has made seven recommendations pursuant to section 27(2); including that the Police review and amend their fleeing driver policy and air operations policy following the incident, primarily in relation to: search phase; the role and responsibilities of Eagle during a fleeing driver incident; and radio protocols.

The Authority further recommended Police clarify their policy in respect of the use of road blocks/road closures and ensure that was reflected in officer training.

ENDS