

Police breach policy during fatal fleeing driver incident at Manukau

1. At about 11.42pm on 17 June 2024, Police at Manukau stopped and briefly spoke to a driver (Mr Z) in a car which had number plates that had been reported stolen. Mr Z drove away at high speed. Another Police unit signalled Mr Z to stop but he failed to do so.
2. Two other officers heard about the fleeing driver on the Police radio and decided to set up road spikes to try to stop the car. When an officer stepped out from behind a signboard to throw the spikes onto the road, Mr Z swerved and lost control of the car, which struck a tree. Mr Z died at the scene and his passenger was seriously injured.
3. Police notified the Authority of the incident.¹ We carried out an independent investigation during which we interviewed the officers involved, visited the scene, and reviewed CCTV footage and the Police file.
4. The Authority acknowledges this matter involves the death of a man and injury to a woman and we extend our sympathy to those involved.

The Authority's Findings

Issue 1: Did Police comply with their 'Fleeing Driver' policy?

Officers A and B complied with policy when stopping Mr Z.

Officers C and D did not breach policy in signalling Mr Z to stop, although we doubt the wisdom of their doing so in the circumstances.

Officers C and D breached policy by continuing to follow Mr Z at speed with emergency lights activated after they say they had decided not to pursue, and by failing to notify the Police Emergency Communications Centre (Comms) of their decision.

¹ Section 13 of the Independent Police Conduct Authority Act 1988 states: "Where a Police employee acting in the execution of his or her duty causes, or appears to have caused, death or serious bodily harm to any person, the Commissioner shall as soon as practicable give to the Authority a written notice setting out particulars of the incident in which the death or serious bodily harm was caused."

Issue 2: Did Police comply with their ‘Tyre Deflation Devices’ policy?

Officers E and F breached policy concerning the use of road spikes by not informing Comms of their position and intention to use them.

Issue 3: Did Police’s actions contribute to the fatal crash?

In our view, whilst Police actions certainly played a part in the fatal crash, there is insufficient evidence for criminal charges against any officer.

Analysis of the Issues

ISSUE 1: DID POLICE COMPLY WITH THEIR ‘FLEEING DRIVER’ POLICY?

5. Police policy on ‘Fleeing drivers’ requires officers to:
 - a) notify the Police Emergency Communications Centre (Comms) as soon as they consider that a driver is likely to flee;
 - b) assess the risks when deciding whether to pursue a fleeing offender – they should only begin (or continue) a pursuit if the risks of pursuing are outweighed by a) the seriousness of the offence, or the threat posed by the driver and b) the need immediately to apprehend the driver; and
 - c) if they decide not to pursue or to abandon a pursuit, then to reduce their speed, deactivate lights and sirens and stop as soon as it is safe to do so.

What happened when Mr Z fled from Police?

6. CCTV footage from an Auckland petrol station shows Mr Z driving a black Toyota car with incorrect number plates at 2.41am on Monday 17 June 2024. It later transpired that the Toyota had been stolen from an address in Otahuhu, Auckland, and the number plates were stolen from another Toyota overnight in Epsom, Auckland. Later that day, at about 11.30pm, a crime prevention camera in Manukau identified the stolen plates.² Officers A and B heard a radio broadcast regarding the plates and began looking for the Toyota in the Manukau central city. They found it at an intersection on Davies Avenue at about 11.40pm. The Toyota’s driver continued driving at normal road speed, followed by the officers.
7. Officer A told us they intended to alert Comms so the Police helicopter (Eagle) and other units could help if the driver fled. However, it took some time for the officers to determine their location and then, as they were about to notify Comms, the driver (Mr Z) entered a car park and pulled over. The officers activated their car’s emergency lights and stopped behind. Officer B then radioed Comms to advise that they had stopped the car with the stolen plates and advised their location. Comms immediately alerted a dog handler (so they could be ready to

² It appears that Mr Z had stolen the Toyota the previous day and took registration plates that afternoon from a similar vehicle. Mr Z was on bail conditions which included a curfew.

assist if the driver fled on foot). Officer A told us they had also seen another Police unit nearby and expected it would soon join them.

8. Officer A approached the Toyota and spoke to Mr Z, whose identity he did not know. The officer saw a woman who was also in the car. Mr Z asked why Police had pulled him over, and Officer A said: *"I just want to talk to you about your plate... I just ran it. It's coming up stolen."* Officer A says, before he could ask Mr Z to turn off the car's engine, the man replied: *"Oh, f--k off"*, and accelerated away.
9. Officer A radioed that the Toyota with stolen plates had failed to stop and gave a direction of travel. He acknowledged to us that he should have said the driver had *"failed to remain"*, which was more technically accurate, but said the meaning of his message was the same – that the driver had fled from him. We agree.
10. Another Police unit with two sergeants, Officer C (the driver) and Officer D (the passenger operating the radio), was driving towards the reported location and heard Officer A say the car had failed to stop. They then saw the black Toyota turning left at the intersection of Davies and Ronwood Avenues (see Appendix A for a map of the route Mr Z took).
11. Officer D sought confirmation with Comms that Eagle was available, and Comms provided Eagle with the Toyota's location and number plate.
12. Meanwhile, Officer C activated his car's emergency lights and siren and did a U-turn to follow the Toyota along Ronwood Avenue. Officer C accelerated to behind the Toyota and signalled the driver to stop. Mr Z did not stop and instead turned a sharp right onto the wrong side of a roundabout on Lambie Drive. He then sped along the incorrect side of the road. Officers C and D say – and we have no reason to doubt – that at this point they agreed they would not pursue the Toyota. They assessed that Mr Z's known offending (stolen number plates) was not enough to justify the risks of a pursuit.
13. Officer C slowed his patrol car but did not come to a complete stop. He turned off the siren but did not turn off the emergency lights. He told us that he meant to, but they stayed on by mistake.³ Officer C then accelerated after the Toyota along Lambie Drive. Officer D reported on the Police radio: *"Got long range obs [observations] of that car. It's heading up Lambie Drive in the direction of Puhinui Road."*

Did Officers A and B notify Comms quickly enough?

14. Police policy requires officers to advise and seek support from Comms when they assess that there is a specific risk that the driver will not stop when signalled to do so, and states: *"Consideration should always be given to delaying the signal to stop while coordinating tactical options or waiting for the wider environment to become safer to reduce risk."*
15. In this case, Officers A and B knew the Toyota had stolen plates but did not know any other information about the driver. Nor did the driver's initial behaviour suggest he was about to

³ Officer D also told us he did not know the emergency lights were still on.

flee. In any event, we are satisfied that Officers A and B intended to advise Comms before signalling Mr Z to stop, but Mr Z pulled over before that could happen. The officers then correctly notified Comms of their actions, and Comms began organising support before Mr Z fled.

Did Officers C and D comply with policy when signalling Mr Z to stop?

16. We considered whether Officers C and D should have followed Mr Z and signalled him to stop, given that they knew he had already fled Police moments earlier.
17. We accept that the officers had a lawful basis to stop Mr Z. Officer C told us he wanted to signal Mr Z to stop again because, in his experience, drivers often stop on a second request. At this stage, having regard to what he had observed of Mr Z's driving, the officer did not think that Mr Z presented a danger to the public.
18. We doubt the wisdom of the officers' actions in signalling Mr Z to stop because:
 - d) it was clear from Mr Z's actions to that point that he was likely to continue to flee;
 - a) the risk that signalling Mr Z to stop would prompt him to drive more dangerously was greater than the likelihood he would stop at a second request;
 - b) as the officers correctly assessed, the level of Mr Z's offending did not justify the risks of a pursuit if he continued to flee; and
 - c) it would have been safer to wait for Eagle to track the Toyota and allow Comms to develop other tactical options.
19. However, Police policy does not proscribe signalling a driver to stop in circumstances where a pursuit will not be justified if the driver flees (unless a pursuit has already been undertaken and abandoned).⁴ Thus, wise or not, Officers C and D were not in breach of policy.

Did Officers C and D comply with policy after they decided not to pursue?

20. If officers decide not to pursue after a driver fails to stop, policy requires them to:
 - immediately reduce their speed to increase the distance between themselves and the fleeing driver;
 - turn off their lights and sirens once below the posted speed limit; and
 - stop as soon as it is safe to do so and advise Comms.

⁴ If a pursuit has been abandoned, officers must first obtain permission from Comms (the pursuit controller) before signalling the driver to stop again. Permission will only be granted if a pursuit is justified due to the threat posed by the driver and/or the seriousness of the offence.

21. These steps are intended to reduce the immediate pressure on the fleeing driver and encourage safer driving behaviour.
22. Officer C initially slowed down but then accelerated after the fleeing Toyota. Police estimated that Mr Z was travelling at about 110 kph in a 50 kph zone. The CCTV footage indicates Officer C accelerated to a similar speed. Officer C says he turned off the siren, but CCTV footage shows he did not turn off the patrol car's emergency lights. He and Officer D both say they did not realise the lights were still on. However, we would have expected the lights to remain on as they were driving above the speed limit.
23. In our assessment, it is more likely than not that Mr Z believed Police were pursuing him because of the emergency lights still being on.
24. Officer D reported that they had "long range" observation of the fleeing Toyota as it headed up Lambie Drive. Ideally, he should have advised Comms that they had signalled the driver to stop, and he had continued to flee. He also should have reported Mr Z's dangerous driving behaviour.
25. We cannot discount that Mr Z's manner of driving was influenced by a belief on his part that Police were still actively pursuing him. This stretch of Lambie Drive is about 700 metres long, and, while it has a slight corner and rise, Mr Z would have been able to see the patrol car's emergency lights flashing.
26. Officers C and D failed to comply with policy after they had decided not to pursue Mr Z, and it is more likely than not that their actions contributed to Mr Z continuing to drive dangerously.

FINDINGS ON ISSUE 1

Officers A and B complied with policy when stopping Mr Z.

Officers C and D did not breach policy in signalling Mr Z to stop, although we doubt the wisdom of their doing so in the circumstances.

Officers C and D breached policy by continuing to follow Mr Z at speed with emergency lights activated after they had decided not to pursue, and by failing to notify Comms of their decision.

ISSUE 2: DID POLICE COMPLY WITH THEIR 'TYRE DEFLATION DEVICES' POLICY?

27. Police policy on road spikes (also known as Tyre Deflation Devices or TDD) provides that officers may "self-authorise" the use of spikes when Police have decided not to pursue a fleeing driver. When they do this, they must communicate with Comms about their plans, including the site they have chosen and the cover it provides for the officer. The pursuit controller at Comms (or another supervisor) may override the officer's decision if they are not satisfied with those plans.

How did the crash occur?

28. Officers E and F, who were both aware of the Toyota with stolen plates, were patrolling close to Lambie Drive when they heard the radio report from Officer A that he was about to speak

to the driver of the Toyota. Knowing the area, they decided to stop in a carpark off Lambie Drive in case it became necessary to deploy road spikes.

29. Police training and policy is that road spikes can be deployed in two different ways:
 - The pull method – folded spikes are placed on the other side of a road beforehand, and the officer retreats to solid cover with the rope where, just as a target vehicle approaches, the officer pulls the rope for the spikes to unfold, sliding towards them across the road.
 - The throw method – from solid cover when the target vehicle approaches, throw the spikes out across the road in an underarm technique then hold onto the rope which will slide extend the spikes across the road.
30. Officers are trained that the preferred and safer approach is the pull method, although time is required for set up within an appropriate environment.
31. Officers E and F decided that, if required, they would use the pull method from behind cover or concealment.
32. The officers then heard on the Police radio that the driver of the Toyota had fled Police and was heading towards them on Lambie Drive. When they got out of their vehicle, Officer F had the spikes and they walked to the side of the road, towards a large A-Frame signboard that offered concealment. Lambie Drive at this location is twin lane in each direction with a cycle lane against the sidewalk, separated from the twin lanes by a low concrete strip.
33. Officer E told us she was unable to advise Comms of their actions due to the radio being busy, saying: *“We weren’t able to get onto the radio space to say where we were. Normally you can try....”*
34. Officer E then saw and heard a car speeding towards them on Lambie Drive and yelled out to Officer F that it was the fleeing car. She described the situation to us as follows: *“This is the car coming up, he’s standing beside me with the spikes, but the vehicle is like, I don’t know, 100 kilometres per hour plus, that’s coming towards us.”*
35. In the next few seconds, Officer F ran behind and past the large A-Frame signboard on the berm and stepped out into the cycle lane, intending to throw the spikes onto the road. At the last moment, being mindful of the requirement to also grab the attached rope for a successful deployment, he considered the throw was too dangerous and did not release the spikes. Officer F told us:

“I was planning to deploy the spikes up until the last kind of second and then I just, I don’t know how to explain it, I had a, I just had like an intuition moment I was like this is too dangerous and then I didn’t do it....”
36. CCTV cameras on Lambie Drive captured Officer F stepping from behind the sign with the road spikes and the driver of the Toyota (Mr Z) reacting by swerving sharply right. The Toyota then

swerved back, out of control and drove directly into a tree about 60 metres along the road. The car came to a violent stop and flames erupted from the front.

37. Officers C and D arrived at the scene about nine seconds after the crash occurred.
38. The fleeing driver incident lasted 62 seconds and covered about 1.2 kilometres from when Officer A reported Mr Z had failed to stop until Officer E reported that the Toyota had crashed. Officers at the scene summoned assistance and used fire extinguishers to put out the fire, before trying to assist Mr Z and his passenger. Their actions in this respect were commendable.

Did Officers E and F comply with policy?

39. As explained above, Officers E and F were permitted to self-authorise the use of road spikes. However, they were also required to assess the risks and communicate with Comms about:
 - a) the site where they planned to throw out the spikes;
 - b) the cover to be used – policy states that officers must use “*solid cover*” to protect themselves; and
 - c) what they would do after using the spikes (depending on whether they were effective and whether the driver stopped).
40. Officer E or F did not communicate any of these things, no doubt due to the short timeframe and other radio users. In our view, their decision to use the spikes was rushed and they should not have proceeded if they did not have time to communicate a plan to Comms. As Officer F realised, the chosen site for using the spikes was insufficiently far away from the Toyota to provide enough time to throw them out safely. Nor did it provide him with “*solid cover*”.⁵

FINDING ON ISSUE 2

Officers E and F breached policy concerning the use of road spikes by not informing Comms of their position and intention to use them.

ISSUE 3: DID POLICE’S ACTIONS CONTRIBUTE TO THE FATAL CRASH?

41. Mr Z died from his injuries and his passenger was seriously injured, spending six weeks in hospital receiving treatment before discharging herself.⁶

⁵ Police policy states: “*Solid cover is defined as any solid object or structure that by its makeup, is assumed to provide physical protection to the deploying officer or at least deflecting a vehicle away from the deploying officer. Fixed objects such as overpass pillars, buildings, guard rails and bridge abutments provide the most protection. IMPORTANT: Police vehicles (or any other vehicle) are NOT considered solid cover [emphasis in original].*”

⁶ The Authority was not able to locate her. However, she earlier told Police she had no memory of the crash but knew the car was stolen.

42. We have not ignored the fact that methamphetamine, which is known to impair judgement and driving ability, was found in Mr Z's system. Alongside Mr Z's decision to flee and his erratic, dangerous driving, these were unquestionably contributing factors in the crash.
43. Another factor was that even though Officers C and D had decided the risks of a pursuit outweighed the need to stop Mr Z, they failed to take the steps required by policy that would have reduced the pressure on Mr Z, and which may have resulted in him driving more safely. We consider it is likely that Mr Z knew a Police car was still actively chasing him, and this prompted him to continue at high speed. As we have already stated, continuing to follow Mr Z in this manner was unjustified.
44. Although all these factors are relevant, the immediate cause of the crash was the presentation of road spikes by Officer F and Mr Z's attempt to avoid what he envisaged were spikes ahead of him which led to his loss of control of the vehicle. Officer F says, and we accept, that he did not intend to cause Mr Z to swerve. Regardless, his actions were rushed and put himself and others, including Mr Z and his passenger, at unacceptable risk.
45. If Officers C, D, E and F had complied with existing Police policy, this crash might have been avoided. This case highlights the need for officers to understand the 'Fleeing Driver' and 'Tyre Deflation Devices' policy requirements and the reasons behind them, which are for their own safety as well as the safety of others.
46. This is not a case in which we think it would be appropriate to recommend that Police consider charging any of the Officers involved with a criminal offence.

FINDING ON ISSUE 3

In our view whilst Police actions certainly played their part in the fatal crash, there is insufficient evidence for criminal charges against any officer.

Subsequent Police Actions

47. Police undertook a critical incident investigation, but the Authority is still awaiting the outcome of this.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

10 April 2025

IPCA: 24-23214

Appendix A – Mr Z’s route when fleeing Police



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.

We are not part of the Police – the law requires us to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Kenneth Johnston KC.

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

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority receives and may choose to investigate:

- complaints alleging misconduct or neglect of duty by Police;
- complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- notifications of incidents in which Police actions have caused or appear to have caused death or serious bodily harm; and
- referrals by Police under a Memorandum of Understanding between the Authority and Police, which covers instances of potential reputational risk to Police (including serious offending by a Police officer or Police actions that may have an element of corruption).

The Authority's investigation may include visiting the scene of the incident, interviewing the officers involved and any witnesses, and reviewing evidence from the Police's investigation.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.

THIS REPORT

This report is the result of the work of a multi-disciplinary team. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



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