

# Serious crash during a Police pursuit in Auckland

## INTRODUCTION

1. At about 10.51am on Thursday 11 February 2016, a male driver, aged 22, lost control of a Ford Focus causing it to flip over, while fleeing from Police on State Highway 16 in Kumeu, Auckland. The driver and the front seat passenger were unharmed. A five month old baby, who was ejected from the car during the crash, received minor injuries.
2. The Police immediately notified the Independent Police Conduct Authority of the pursuit. The Authority also received a complaint from a couple who witnessed part of the pursuit questioning the necessity of the pursuit and whether Police considered the risk to other road users when pursuing. The Authority conducted an independent investigation and this report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

3. On the morning of Thursday 11 February 2016, Officers A and B were tasked with enforcing 'fatal five' traffic offences<sup>1</sup> along State Highway 16 between Helensville and Kumeu, north of Auckland.
4. At about 10.45am, the officers were driving north on State Highway 16 towards Helensville when they saw a car travelling towards them at speed. Using their speed radar, Officer B recorded the car travelling at 124kph in a 100kph zone. Due to the high speed, the officers decided that they would stop the car and issue a speeding ticket to the driver.
5. Officer A, the driver, pulled over to the left-hand side of the road, and waited for the car, a silver Ford Focus (the Ford), to pass. As the Ford passed their location, the officers could see that the driver was a male. Officer A performed a U-turn, accelerated forward and activated the Police car's flashing red and blue lights and siren to signal the driver to stop. While Officer A was driving, Officer B checked the Ford's registration on his mobility device and noted that

<sup>1</sup> The 'fatal five' are types of offending that contribute to motor vehicle crashes. These offences include alcohol/drugged driving, speed, lack of restraints, dangerous/careless and high risk driving.

the registered owner was a female and there were no recorded links between the vehicle and a male.

6. As Officer A came up behind the Ford, the driver began to slow down and moved into a lay-by on the left-hand side of the road at the James Mackie Road intersection. With the Ford slowing down as though to stop, Officer A turned off the Police car's siren, but left the flashing lights activated. From their position behind the Ford, Officer B was able to see that there was a female passenger in the front seat.
7. The Ford continued to travel slowly to the end of the lay-by but did not stop. Officer A told the Authority that he thought the driver was either confused or trying to find another place to stop. As the lay-by narrowed off, the Ford began to slowly accelerate and the officers assumed that the driver wanted to stop in a safer place.
8. Officer B said the Ford pulled back out onto State Highway 16 and reached about 60kph, when the driver suddenly, *"floored it and accelerated heavily"*. The officers said they quickly realised that the driver was trying to get away from them, so Officer A activated the Police car's siren and accelerated after the Ford.
9. The officers told the Authority that when the Ford accelerated away they immediately began to think about the possible reasons why the driver did not want to stop. Officer A said:  
  
*"You're always thinking, why is this guy not stopping ... has he just stolen this car, has he just committed a burglary ... he's failing to stop because there's something else in the background."*
10. Officer B radioed the Police Northern Communications Centre (NorthComms) and advised that they were in pursuit of a car for, *"failing to stop on State Highway 16"* and broadcast their direction of travel.
11. Officer C, who was by himself and driving an unmarked Police car, was travelling north on State Highway 16 near Woodhill School when he heard Officer B radio NorthComms that they were in pursuit. Officer C told the Authority that he did not hear Officer B provide a description of the car or the fleeing car's direction of travel so he continued to travel north.
12. As Officer C drove towards Kiwitahi Road, approximately 1.5 kilometres south of James Mackie Road, he saw a silver Ford Focus travelling towards him at speed. After recording the Ford's speed at 130kph, Officer C pulled to the left and waited for the Ford to pass him. As the Ford drove past his location, Officer C saw a marked Police car, with its red and blue flashing lights and siren activated, drive around the corner, approximately 500 metres behind the Ford.
13. Officer C said he immediately realised that this was the same vehicle that Officer B had advised was failing to stop. When the officers went past, Officer C activated his red and blue flashing lights and siren, performed a U-turn and moved in behind the Police car. Officer C told the Authority that he intended to act as a support vehicle in case the Ford stopped and the driver tried to escape on foot. Officer C said he tried to notify NorthComms that he was also in pursuit. However, due to the poor radio reception in the area, NorthComms did not hear him.

14. Immediately after Officer B radioed NorthComms that they were in pursuit, the dispatcher<sup>2</sup> alerted the NorthComms shift commander (the pursuit controller<sup>3</sup>) that a pursuit had commenced and, as required by Police policy, gave the officers the pursuit warning: *“if there’s danger or risk to any persons you are to abandon pursuit. Do you acknowledge?”* Throughout the ensuing event, the dispatcher was supervised by the pursuit controller and relayed his instructions to the Police staff involved.
15. Officer B acknowledged the pursuit warning and provided the licence plate number and description of the Ford. Officer B also advised that they were now travelling at 122kph past Woodhill School.<sup>4</sup> Officer B told the Authority that he did not have any concerns about travelling past the school at high speed, due to the lack of traffic on the road and the time of day, as the students would be in class.
16. The NorthComms dispatcher continued to prompt the officers for commentary and Officer B advised, *“speed 150, driving is good. He’s staying in the lane, taking corners correctly and slowing down when he needs to”*.
17. The pursuit continued south on State Highway 16 and Officer A said that the road layout changed from being straight to sweeping left and right turns. With the increasing number of corners, Officer A said that the Ford was slowly pulling away from them. Despite the distance slowly increasing between them, Officer A told the Authority that he did not want to drive any faster because he was already *“driving to his limit”*, and he *“did not want to cross the line ... and put other people at risk by doing something stupid”*.
18. Officer B told the Authority that he and Officer A briefly contemplated pulling over to allow Officer C to take over the pursuit because they knew his Police car had a bigger engine and would be able to keep up with the Ford. However, the officers said they dismissed this idea because they knew that Officer C was driving an unmarked Police car which is not permitted to take the role of the lead pursuit vehicle.
19. As the Ford passed Woodhill Park Road, approximately 4.5 kilometres from Woodhill School, Officer B radioed NorthComms confirming that Officer A was a gold class driver and that they were in a Category A vehicle<sup>5</sup>. Officer B also advised their location and that they were travelling at 150kph in a 100kph zone. Following Officer B’s update, Eagle, the Police helicopter, radioed NorthComms and advised that they were en-route.
20. When interviewed by the Authority, the pursuit controller said that he was reasonably familiar with the rural area and as a result he was *“happy with the 150/100”*. He was also aware that

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<sup>2</sup> The dispatcher advises the shift commander when a pursuit has commenced, maintains radio communications with the units involved in the pursuit, obtains situation reports from the pursuing units and communicates instructions from the pursuit controller. The dispatcher is also responsible for communicating the pursuit warning to the lead pursuit unit.

<sup>3</sup> The pursuit controller supervises the pursuit and co-ordinates the overall response, including the appropriate tactical options. In most cases, the pursuit controller role is taken on by the shift commander in the Communications Centre.

<sup>4</sup> Woodhill School is fully fenced and located on a raised bank above State Highway 16. The speed limit along that section of State Highway 16 is 100kph.

<sup>5</sup> Being a gold class driver means the officer is authorised to engage in urgent duty driving and pursuits. A Category A car is permitted to commence a pursuit

once Eagle was in the vicinity, the pursuit could be abandoned and Eagle could take over observation and commentary.

21. As the pursuit neared the township of Waimauku, the Ford came up behind another car travelling in the same direction. Officer A said the driver initially tried to overtake the car on the left hand side, but when he was unable to get past, he overtook the car on the right and crossed onto the wrong side of the road. Officer A said the *“manoeuvre was risky”*, but there was no on-coming traffic and the driver quickly pulled back into the left hand lane.
22. When the officers came up behind the same car, Officer A said he was forced to sound the Police car horn as the driver did not pull over to allow them to pass. By the time Officer A was able to pass the car, the officers had crested the hill before descending into Waimauku and had lost sight of the Ford.
23. As the officers entered Waimauku, the posted speed limit changed from 100kph to 70kph. Officer B advised NorthComms, *“coming into Waimauku, just losing sight briefly ... our speed is 110kph”*.
24. Officer A told the Authority that when they entered Waimauku he was continuing to assess the risk and said that the road was clear and there were no pedestrians around. However, as they approached the intersection at Muriwai Road, three or four cars pulled out and Officer A said he was forced to slow down.
25. Officers A and B told the Authority that they briefly considered abandoning the pursuit when the cars pulled out of Muriwai Road, as they no longer believed they would be able to catch up with the Ford. However, all the cars pulled over to allow them to pass and they regained sight of the Ford, approximately 450 metres away in the distance. Although the officers lost sight of the Ford again, as it navigated the right hand bend just past Factory Road, both officers decided that they should continue pursuing in an attempt to maintain observation until Eagle was in a position to take over.
26. Officers D and E, who were in separate marked Police cars in the Huapi area near State Highway 16, heard Officer B’s radio updates and were aware that the pursuit was heading in their direction. Both officers separately made their way to State Highway 16, and began to travel north towards Waimauku with the idea to look for a suitable location to set up road spikes.
27. Officer D told the Authority that he decided to stop at the Foster Road and State Highway 16 intersection, as that was the first side road he came across. From the updates given by Officer B, Officer D said he knew that the fleeing vehicle was nearby, so he quickly got out of his Police car and radioed NorthComms, *“Foster Road with spikes, permission to spike?”* Although the dispatcher immediately responded, *“permission to spike granted”*, Officer D said he did not hear the dispatcher reply due to the busy radio traffic and being unable to hear his portable radio.
28. Officer E told the Authority that as he drove along State Highway 16, he saw Officer D pull over at Foster Road and heard him request permission to deploy road spikes. Because Officer D was

already in position with spikes, Officer E said he decided to pull over at Matua Road, approximately 350 metres south of Foster Road, at the top of a hill. Officer E said he positioned himself about 10 metres back from the give way sign, as this allowed him to see approximately 80 metres north of his location and also meant that he would not get hit by the fleeing car, should it lose control after being spiked.

29. As Officer D was requesting permission to deploy road spikes, Officer B said they rounded the corner at Factory Road and could see the Ford in the distance, about 600-700 metres away. Due to the curves in the road, Officer B said they quickly lost sight of the Ford again as it went around another bend.
30. Officer A told the Authority that they continued to pursue because they were still maintaining observations on the Ford as they were coming around corners. He said that if they had lost complete observation of the Ford and had no idea where it had gone, then there would have been no point in continuing to pursue. However, at this stage, Officer A said they were still waiting until Eagle was in position to take over.
31. Officer D told the Authority that by the time he got the road spikes out of the car, he could hear the Police sirens and knew that the pursuit was getting closer. Due to his location on the northbound side of State Highway 16, Officer D said he had to cross the road in order to deploy the road spikes across the southbound lane. However, as he was preparing to cross, a truck driving north approached his location and he was unable to get across the road in time to deploy the road spikes.
32. Approximately five seconds after NorthComms granted Officer D permission to use road spikes, the Ford travelled past Foster Road. Officer B radioed NorthComms to advise them that the road spikes had not been deployed, *"no spikes, passing Foster Road."*
33. Mr and Mrs X were driving south along State Highway 16 when they passed Officer D at the Foster Road intersection. Mrs X, the passenger, told the Authority that she could see Officer D standing inside the open door of his marked Police car talking on a cell phone. As they passed Foster Road, Mrs X said she looked ahead up the hill and could see another marked Police car, sitting stationary at the Matua Road intersection. Mrs X said she had enough time to mention the Police car's to her husband, Mr X, who then began to pull over to the side of the road.
34. Mr X told the Authority that he was travelling at about 80kph when he saw the flashing lights of a Police car in his rear view mirror. He immediately indicated left, and pulled off into the hard shoulder so that his car was two-thirds off the road. Mr X said there was another car travelling behind him at the time who was clearly unaware of what was happening as the driver started to pull out as though to overtake him.
35. As he looked in his rear view mirror again, Mr X said he saw a silver Ford approach their location, *"travelling incredibly quickly ... weaving in-between the spaces ... [and] spending most of his time on the wrong side of the road"*. As the Ford reached them, Mr X said the car travelling behind him quickly pulled back into the left hand lane, allowing the Ford to pass them both. Mr X estimated that the Ford overtook them at about 120kph and was closely followed by two Police cars.

36. Officer E, who had maintained his position at Matua Road, told the Authority that he saw the Ford travelling towards his location at about 110-130kph. As the Ford was driving up the hill, it overtook another car that was travelling at about 80kph. Officer E said this section of the road was straight and wide, and the traffic flow at the time was light to medium.
37. On seeing the Ford, Officer E said he began to creep forward so that he was closer to the State Highway. As the Ford drove past Matua Road, Officer E said he looked north, back down the road and did not see any Police cars in fresh pursuit. As a result, Officer E activated his red and blue flashing lights and siren and accelerated heavily after the Ford.
38. As Officer E turned left onto State Highway 16, he said he looked in his rear view mirror and saw a marked Police car driving towards him, with its flashing red and blue lights activated, approximately 150 metres away. Officer E said he immediately tried to get on the radio to update NorthComms, but both of his transmissions failed to go through.
39. Officer A told the Authority that Officer E's decision to pull out in front of him was *"unexpected"* but there was a sufficient gap for him to slow down safely so he did not need to break suddenly. Officer A also said that he was *"quite relieved ... because [Officer E] could be a faster driver than me, and he could keep up the observations"*.
40. Officer E said the Ford continued to accelerate away from him and he lost sight of it for a few seconds as it went around a right hand corner. As he approached the same corner, Officer E said he heard Officer B advise NorthComms that they were *"cut off by another Police car"* and that the pursuit was still heading south.
41. Although Officer B radioed NorthComms, the pursuit controller told the Authority that at this stage, he was not aware that Officer E had assumed lead position in the pursuit.
42. At 10.51am, approximately 19 seconds after Officer E pulled out of Matua Road, Officer E rounded the corner and saw the Ford sliding sideways from the southbound lane into the northbound lane. The Ford crossed the centre line, collided with the roadside embankment and flipped upside down, coming to a rest in the middle of the northbound lane. At the time of the crash, there was no immediate oncoming traffic.
43. The total duration of the pursuit was six minutes.
44. Officer E immediately pulled over and parked his car across the northbound lane, blocking any traffic coming from Kumeu. Officers A and B, who arrived seconds later, also parked their car in the northbound lane, but on the Waimauku side of the Ford. Officer B then radioed NorthComms and advised that the Ford had crashed and rolled over, outside Coopers Creek Vineyard. He requested an ambulance and advised that a baby had been thrown from the car.
45. Officers C and D, who also arrived at the crash scene moments later, parked their cars across the road to block any oncoming traffic. Some officers immediately got out of their cars to assist the female passenger and the baby, while others restrained the driver.

46. The female passenger and her baby received minor injuries, and both were taken by the Westpac air ambulance helicopter to Auckland Hospital as a precaution. The driver also received minor injuries and was taken to Auckland Hospital by ambulance.

### The driver

47. At the time of the pursuit, the driver was unlicensed to drive and was in breach of his bail conditions.
48. As a result of this incident, the driver was convicted on two counts of reckless driving causing injury. He was sentenced to five months home detention, received 150 hours of community work, and was disqualified for driving. The driver was also convicted and discharged for failing to stop and failing to comply with prohibition.

### Independent witnesses complaint

49. On 17 February 2016, the Authority received a complaint from Mr and Mrs X stating that Police did not *“think about the safety of the ordinary road user ... [and their] actions did not make our local road feel safer”*. They said that it was *“only good fortune”* that there were no cars travelling on the northbound side of the road near the Cooper’s Creek vineyard at the time of the crash, as the outcome could have been worse.
50. In her interview with the Authority, Mrs X said that she believed that when Police pursue they *“incite”* the fleeing driver to speed and *“create a danger”* to the public. She said if Police knew who the driver of the fleeing car was, then they should have abandoned the pursuit and located the driver at a later date. Alternatively, if Police did not know who the driver was, they should have used the speed cameras on State Highway 16 and located the vehicle later on using its licence plate number. Mrs X also suggested that the two Police cars stopped at Foster Road and Matua Road could have been better utilised by setting up road blocks or warning people near Kumeu that a pursuit was headed in their direction.

### Independent Investigation

51. Based on the initial notification from Police and the complaint made by Mr and Mrs X, the Authority has considered four issues as part of its investigation. The issues identified by the Authority are:
- 1) Were Police justified in commencing a pursuit?
  - 2) Did Police comply with policy in respect of communication during the pursuit?
  - 3) Were the officers’ speed and manner of driving during the pursuit appropriate?
  - 4) Did the officers appropriately assess ongoing risks during the pursuit?

### Power to require a driver to stop

52. Section 114 of the Land Transport Act 1998 provides that a Police officer may signal or request the driver of a vehicle to stop the vehicle as soon as is practicable.

### Fleeing driver policy at the time of the incident<sup>6</sup>

53. The overriding principle of the Police fleeing driver policy is that: *“Public and staff safety takes precedence over the immediate apprehension of the offender”*.
54. During a pursuit, warning lights and siren must be activated at all times. The Communication Centre must also be advised immediately if there is a fleeing driver and that a pursuit has been initiated.
55. Officers are required to carry out risk assessments before and during a pursuit in order 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, and/or the occupants of the Police vehicle.
56. Unless there is an immediate threat to public or staff safety, a pursuit must be abandoned if:
- the identity of the offender becomes known,
  - the distance between the primary unit and the offending vehicle is too great,
  - any of the risk assessment criteria conditions change, and
  - there is a sustained loss of contact between the primary units and the Communications Centre.

### Tyre deflation devices policy

57. The overriding principle of the Police tyre deflation device (TDDs, i.e. road spikes) is that:

*“Every deployment is inherently dangerous and Police deploying TDDs must take care to preserve the safety of themselves, their colleagues and members of the public. This must be the primary consideration at all times.”*

58. Certified officers may deploy road spikes when there is no other, less dangerous, means of stopping a fleeing vehicle and the spikes can be used without unjustified risk to any person. Officers are instructed to consider, amongst other things, the urgency of the situation and how the deployment will impact on the fleeing driver and vehicle

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<sup>6</sup> Police updated the fleeing driver policy in July 2016 and policy referred to in this report was current at the time of this incident in February 2016.

59. Officers must abandon the deployment of the road spikes if instructed to do so by the pursuit controller, or if injury is likely to occur to the public, Police or the occupants of the fleeing car.

## THE AUTHORITY'S FINDINGS

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### Were Police justified in commencing a pursuit?

60. Officers A and B were enforcing 'fatal five' traffic offences along State Highway 16 when they saw a Ford travelling towards them at speed. When they used their speed radar, they recorded the Ford travelling at 124kph in a 100kph zone. The officers were justified under section 114 of the Land Transport Act 1998 in attempting to stop the car in order to issue the driver with a speeding ticket.
61. When the driver failed to stop and attempted to evade Police, the officers were justified under the Police fleeing driver policy to commence a pursuit.

#### FINDING

Officers A and B were justified in commencing a pursuit.

### Did Police comply with policy in respect of communication during the pursuit?

62. The fleeing driver policy requires an officer initiating a pursuit to notify the Communications Centre that they are in pursuit. When the driver of the Ford failed to stop, Officer B notified NorthComms that they had a "*failing to stop*", and the dispatcher issued the pursuit warning as required by Police policy (refer to paragraph 14).
63. The NorthComms dispatcher was proactive in prompting the officers for commentary and Officer B regularly provided updates on speed, direction of travel and the Ford's manner of driving throughout the pursuit.
64. At the time of the crash, the NorthComms pursuit controller was unaware that Officer E had assumed the lead position in the pursuit. Officer E told the Authority that he tried to radio NorthComms twice and advise them that he had taken over as lead pursuit vehicle but his transmissions were not successful. Although Officer B was able to advise NorthComms that he and Officer A had been overtaken by another Police vehicle, moments later the Ford crashed. Even if the pursuit controller had been aware of Officer E's presence, Officer E only pursued the Ford for 19 seconds before it crashed and it is unlikely that the outcome would have been different.

#### FINDING

Police complied with the fleeing driver policy, in so far as they were able, in respect of communication.

### Were the officers' speed and manner of driving during the pursuit appropriate?

65. The Police fleeing driver policy requires officers to drive in a manner that prioritises public and Police safety. In accordance with policy, Officers A and B, C and E kept their Police car's red and blue flashing lights and siren activated at all times.
66. Officer A told the Authority that he was very cautious about "*driving to his limit*" and said he did not want to drive any faster, despite the Ford putting distance between them, as he did not want to "*put other people at risk.*"
67. During the pursuit, Officers A and B vehicle reached speeds of 150kph in a 100kph speed zone (see paragraphs 16 and 19). On both occasions, Officer B reported the speed to NorthComms. The pursuit controller and Officers A and B assessed the risks of continuing the pursuit at this speed. All were happy to allow the pursuit to continue because:
- the pursuit was in a rural area;
  - traffic was light;
  - the driver was staying within his own lane;
  - the driver was slowing down at corners, and
  - the driver's overtaking manoeuvres were completed in the absence of any oncoming traffic.
68. For the reasons above, the Authority considers that the high speeds reached by Officer A for a short time during the pursuit were justified in the circumstances.
69. As the pursuit reached a more built up area, Officer A slowed down to 110kph to reflect the change in speed limit. Officer A also showed due care by sounding the Police car horn to let other road users know of his presence and he waited until cars pulled over to the side, before overtaking.

### FINDING

The officers' speed and manner of driving were appropriate.

### Did the officers appropriately assess ongoing risks during the pursuit?

70. Mr and Mrs X complained to the Authority that Police did not think enough about the risk to the ordinary road user and that they "*created a danger*" by inciting the driver of the Ford to flee. Mrs X said Police should have abandoned the pursuit if they knew who the driver was, or alternatively located the driver at a later date using its licence plate number. Mrs X also believed that Officers D and E should have set up road blocks to warn people coming from Kumeu that a pursuit was headed in their direction (refer to paragraphs 49-50).

71. The fleeing driver policy requires Police to abandon a pursuit if the offending driver's identity becomes known, or if at any stage the risk to the safety of the public and the Police outweighs the immediate need to apprehend the driver. Pursuing officers and the communications centre pursuit controller must conduct an assessment of relevant risk factors to determine this.
72. Officers A and B told the Authority that when they recorded the Ford travelling at 24 kilometres over the speed limit, they were not aware of who was driving the car. Although they could see that the driver was male, when they checked the Ford's licence plate number it showed that the registered owner was a female. When the Ford failed to stop, the officers were immediately suspicious about the reasons why the driver did not want to stop and believed that there was something else happening in the background.
73. As required by fleeing driver policy, during the pursuit Officers A and B conducted a number of risk assessments to determine whether the risk to the safety of the public was too great to continue pursuing, including:
- when the Ford drove past Woodhill School (refer to paragraph 15);
  - when the road layout changed to sweeping bends and created a distance between the officers' car and the Ford (refer to paragraph 17);
  - when the Ford and the officers reached speeds of up to 150kph (refer to paragraph 67);
  - when the fleeing driver conducted an overtaking manoeuvre (refer to paragraph 21 and 22); and
  - when the pursuit entered Waimauku, causing the officers to slow down (refer to paragraphs 23 and 24).
74. While the officers sometimes moderated their driving to minimise the risk, in all instances they believed that the pursuit did not put other road users or themselves at unjustified risk.
75. Officer A stated that he was driving to his limit and, although the officers lost sight of the Ford for short periods of time, they always regained sight of it as they navigated around the bends in the road. He felt that it was important to continue pursuing to maintain observation on the Ford until the arrival of Eagle, at which point he believed all Police cars would abandon pursuit. This view was also shared by the pursuit controller.
76. Officers A and B said consideration was given to allowing Officer C, who was driving a faster car, to take over the pursuit. However, due to Officer C's Police car being unmarked and therefore not permitted to lead the pursuit, the officers decided to maintain their lead position.
77. When Officer E pulled out of Matua Road behind the Ford, he said he did so because he did not see any other pursuing vehicles in the distance. Officer A said Officer E's actions were "*unexpected*" but that he had sufficient time to slow down.

78. Officers D and E told the Authority that it was their intention to position themselves along State Highway 16 in order to deploy road spikes to resolve the pursuit safely. It is likely that when Mrs X saw Officer D at Foster Road talking on a “cell phone”, he was in fact radioing NorthComms to request permission to deploy road spikes. When Officer E heard the pursuit controller authorise Officer D to use road spikes and saw that he was already in position at Foster Road, Officer E positioned himself further up the road to maintain observation on the Ford in the absence of any other Police cars. In this instance, both officers were only in position for about five seconds before the Ford drove past them, and Officer D was unable to deploy the road spikes in time. By the time Officer E had rounded the first corner, after becoming the lead pursuit vehicle, he saw the Ford slide across the road and collide with the roadside embankment.
79. Mr and Mrs X were witness to the Police pursuit for approximately 20 seconds and were understandably affected by the circumstances. Although they have raised legitimate concerns about the potential for a worse outcome, the Authority is of the opinion that, in the circumstances, Police did not expose any other road user to unnecessary risk during the pursuit.

## FINDING

Police appropriately assessed ongoing risks during the pursuit.

## Conclusions

80. The Authority has determined that Police complied with the law and Police policy throughout this pursuit, particularly in respect of their justification for commencing the pursuit, communication, speed and manner of driving, and risk assessment.



**Judge Sir David Carruthers**

Chair  
Independent Police Conduct Authority

**IPCA: 15-1512**

1 November 2016





## ABOUT THE AUTHORITY

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### 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 overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

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 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?

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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 in a personal capacity;
- 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 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.



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