



# Report on a fatal pursuit in Auckland on 6 March 2008

INDEPENDENT POLICE CONDUCT AUTHORITY

## INTRODUCTION

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1. On 6 March 2008 a Mazda car driven by 20-year-old Ritchie Nehua Angell crashed at speed into a tree in East Tamaki, Auckland, following a Police pursuit. Mr Angell later died in hospital. No one else was hurt.
2. As required under section 13 of the Independent Police Conduct Authority Act 1988, the Police notified the Independent Police Conduct Authority of the pursuit, and the Authority conducted an independent investigation. This report sets out the Authority's findings.

## BACKGROUND

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### Summary of Events

3. At approximately 3.00pm on 6 March 2008, Mr Angell and three other men allegedly robbed a man outside a bank at the Pakuranga Shopping Centre. They left in a stolen Mazda and witnesses telephoned the Police Northern Communications Centre (NorthComms) with the registration number.
4. Officer A, driving a uniform patrol car, heard details of the robbery and saw the Mazda on Ti Rakau Drive a short time later. By that time, Mr Angell was the sole occupant. Officer A followed the Mazda with his red and blue lights and siren off.
5. Officer C, in the Police Eagle helicopter, was observing Officer A as he followed the Mazda and providing commentary over Police radio.
6. Mr Angell stopped at traffic lights at the intersection of Ti Rakau Drive and Harris Road, with Officer A's car immediately behind him.

7. Officer C suggested that Officer B, who was in a patrol car on Harris Road, attempt a vehicle block – that is, stop in front of Mr Angell’s car to prevent it from moving.
8. Officer B drove to the intersection, activated his lights and siren and crossed the intersection, stopping his car on a slight angle immediately in front of the stationary Mazda.
9. Mr Angell immediately drove forward, swiping the front passenger door of Officer B’s car, then crossed a traffic island and drove off at speed.
10. Officer A activated his lights and siren and followed the Mazda, as did Officer B. Both officers were qualified to participate in pursuits. Officer C advised NorthComms of the failure to stop, marking the commencement of a pursuit. NorthComms was already aware of the background circumstances.
11. Harris Road is a straight four-lane arterial route, with a marked median strip, in an industrial zoned area. Mr Angell, heading south, drove at speed on the northbound carriageway, causing drivers to take evasive action. Officer A turned off his lights and siren and pulled out of the pursuit.
12. Officer B’s car became the lead vehicle, for less than ten seconds, when NorthComms directed that all patrols were to stand down and that only the Eagle helicopter should continue the pursuit. As required under the Police pursuits policy, NorthComms warned Eagle: “*If there’s an unjustified risk to any persons you are to abandon the pursuit immediately.*” Officer C acknowledged this warning.
13. At the same time, Officers D and E in another patrol car heard that the Mazda was travelling towards them on the wrong side of Harris Road. They parked on the median strip facing the approaching Mazda and stopped traffic in both directions.
14. Northbound, the traffic was stopped in both lanes directly ahead of Mr Angell. Southbound, there was no traffic ahead of him. He had two possible escape routes:
  - He could swerve across into the southbound carriageway through space in front of the patrol car on the median strip, or
  - He could use a gap of about 10-15 metres between the rear of the patrol car and the front of the vehicles stationary in the northbound carriageway.

15. Officer D, a qualified Stinger spike system instructor, removed road spikes from the boot and stood in front of his car deploying the spikes in the southbound lane as the Mazda approached. On seeing the spikes, and prior to their deployment, Mr Angell took the first escape route and swerved to the left in front of the patrol car, across the median strip into the southbound carriageway, missing the spikes. He braked, lost control and hit the kerb on the eastern extremity. The car became airborne and hit a large tree and then a stone fence. Mr Angell was seriously injured and died in hospital about an hour later.
16. The pursuit lasted for approximately 1.26 minutes over a distance of 1.6 kilometres. This suggests that Mr Angell's average speed was around 133kph, which is consistent with witness estimates that he was driving at between 120kph and 200kph. Harris Road has a speed restriction of 60kph.
17. One witness said that Mr Angell drove like an "*idiot*" and he thought that it would only be a matter of time before he had a head on collision. Witnesses did not see any Police patrol chasing the Mazda or hear any sirens but reported hearing a helicopter.
18. Officer B reported that when he was the lead vehicle he was travelling at about 80-90kph and was 600-800 metres behind the Mazda. Officer C confirmed that the nearest Police car was about 600 metres behind Mr Angell.
19. Mr Angell's identity was not known during the pursuit. It was later established that he was known to Police and was wanted to arrest for failing to appear on charges of failing to stop for Police, unlawfully interfering with a motor vehicle, driving while prohibited and failing to give details. He was also wanted for interview in respect of other serious offences.
20. Mr Angell had two previous convictions in 2004 for failing to stop for Police.

#### **Relevant factors —pursued vehicle, pursued driver, road, conditions**

21. The Mazda had no mechanical defects that would have contributed to the crash. No road spikes were found in the tyres of the vehicle.
22. Mr Angell had no alcohol in his blood. Two micrograms of cannabis per litre of blood was detected.
23. The traffic was medium to heavy, the weather fine and the road dry.
24. The Police Serious Crash Unit investigator concluded that no physical or environmental factor contributed to the crash. He also concluded that the

Mazda was most likely to have been travelling at over 97kph when it hit the tree.

## LAWS AND POLICIES

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25. Under section 317A of the Crimes Act 1961, the Police are empowered to stop a vehicle if there are reasonable grounds to suspect that an occupant of the vehicle is unlawfully at large or has committed an offence punishable by imprisonment. A vehicle may also be stopped in order to conduct a statutory search (section 314B of the Crimes Act 1961), or for traffic enforcement purposes (section 114 of the Land Transport Act 1988).
26. The Police pursuit policy requires an officer who commences a pursuit to undertake a risk assessment. This involves consideration of: speed and other behaviour of the pursued vehicle; traffic and weather conditions; the identity and other characteristics of those in the pursued vehicle; the environment; and the capabilities of the Police driver and vehicle. The officer must then determine whether the immediate need to apprehend the offender outweighs the risk to the public, the occupants of the pursued vehicle and Police.
27. The policy also sets out requirements for communication between the pursuing vehicle and the relevant Police Communications Centre, roles and responsibilities of all staff involved, tactics that may be used, and procedures for abandoning and restarting pursuits.
28. Under the policy, the driver of the Police vehicle has primary responsibility for the initiation, continuation and conduct of a pursuit, and the pursuit controller at the Police communications centre is responsible for coordinating the overall Police response.
29. The policy further states that aerial surveillance must be utilised where available. An aircraft providing aerial surveillance must take over primary responsibility for providing commentary to the Communications Centre in order to reduce pressure on officers in pursuit. Once air surveillance is established the Pursuit Controller must consider the appropriate role of other units, including whether they should remain in pursuit.
30. Throughout a pursuit, whether surveillance is on the ground or in the air, Police must continue to assess the risks involved, and they must abandon the pursuit if the risks to safety outweigh the immediate need to apprehend the offender.

31. The pursuit policy permits the use of road spikes during a pursuit. They must be deployed by a trained operator and can only be used to stop a fleeing vehicle, where no other, less dangerous, means of stopping the vehicle are readily available.

## THE AUTHORITY'S FINDINGS

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### Attempt to use a vehicle block to stop Mr Angell

32. In a pursuit the policy is that vehicle blocks should only be used by Police drivers who are trained in the procedure. Officers A and B were not so trained but since they were not in pursuit that policy was not applicable.
33. In executing the block, the officers were acting on the suggestion of Officer C and with the knowledge of the Pursuit Controller at NorthComms.
34. In the Authority's view, the decision to block Mr Angell's stationary vehicle was appropriate. Indeed, had it been successful, it would have prevented a tragic outcome.

#### FINDING

The attempted vehicle block was justified given the brief opportunity available to the officers to safely apprehend Mr Angell.

### Commencement of pursuit

35. The pursuit commenced after Mr Angell forced his car through a Police vehicle block. Police believed on reasonable grounds that he was wanted for an offence punishable by imprisonment.
36. Prior to commencing the pursuit, Officer C in the Eagle helicopter undertook the required risk assessment and considered that the immediate need to apprehend the offender outweighed the risks. The pursuit controller was also satisfied that the appropriate risk assessment had been undertaken and that the level of risk was acceptable.
37. Mr Angell's identity was not known and the officers were not in a position to consider apprehending him later.

#### FINDING

Based on Section 317A of the Crimes Act 1961 and on the Police pursuits policy, the officers were justified in commencing the pursuit.

### The pursuing officers' manner of driving

38. Having commenced the pursuit, the officers drove in a way that prioritised public safety. Officer A stopped pursuing Mr Angell almost as soon as he had commenced the pursuit, and Officer B pulled out shortly afterwards on direction from NorthComms. Before pulling out, both had remained between 200 and 600 metres behind the Mazda.

#### FINDING

The pursuing officers complied with the pursuit policy insofar as it related to the manner of their driving.

### Communication between the pursuing officers and NorthComms

39. The dispatcher maintained communication with Eagle, gave the required warning, received acknowledgement of that, and received updates.

#### FINDING

Eagle and NorthComms complied with policy in respect of the information requested and provided during this short pursuit.

### Oversight of the pursuit by NorthComms

40. NorthComms took operational control of the pursuit. The pursuit controller's decision to stop the vehicle patrols and continue the pursuit with Eagle, so as not to pressure Mr Angell, was appropriate.

#### FINDING

The pursuit was properly overseen by NorthComms.

### Option of abandoning pursuit

41. This was a short pursuit which allowed little time for detailed consideration of the option of abandonment – Officer C was acknowledging the safety warning from NorthComms (see paragraph 12) as the Mazda crashed. The officers appropriately considered the risks to public safety throughout.

#### FINDING

The officers complied with the pursuit policy in respect of consideration of abandonment.

## Actions of Officers D and E

### *Stopping traffic*

42. By stopping traffic, Officers D and E may well have prevented a head-on collision between Mr Angell's car and north-bound traffic. The occupants of the vehicles in the northbound lanes were however still at some risk.

### *Use of road spikes*

43. Officer D deployed Stinger spikes. He was trained to do so and had estimated that, as it approached, the Mazda had slowed below 100kph, which is a requirement in Police policy before spikes can be laid.
44. The policy requires specific authorisation from the Communications Centre for use of road spikes. Officer D was unable to obtain this because the radio channel was in use as NorthComms gave Eagle the safety warning. Officer D had earlier notified NorthComms that he had road spikes in his car.
45. Mr Angell deviated from the northbound to the southbound lanes when he saw that Officer D was about to deploy road spikes in the northbound lane .
46. Officer D then attempted to deploy the spikes in the southbound lane but Mr Angell had already swerved past.
47. Officer D put himself at serious risk by positioning himself in front of his patrol car to deploy spikes as the Mazda approached at speed. He put the apprehension of the offender above his own safety, contrary to the pursuit policy, which states that the overriding principle is: "*Public and staff safety takes precedence over the immediate apprehension of the offender*".

#### FINDING

Officers D and E acted appropriately in stopping traffic to reduce the risk of a collision.

Officer D's failure to obtain authorisation to deploy the road spikes did not constitute misconduct or neglect of duty.

Although Officer D was in breach of policy in using road spikes in a position in which his safety was at risk, his actions did not constitute misconduct or neglect of duty. Indeed, his attempt to stop Mr Angell was commendable under the circumstances.

## CONCLUSIONS

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48. This pursuit complied with policy in most respects. There was no misconduct or neglect of duty on the part of any of the Police officers involved.
49. The officers' actions did not cause Mr Angell's death.
50. Officers D and E are to be commended for their control of traffic which might well have prevented a head-on crash.



Hon Justice L P Goddard

Chair

Independent Police Conduct Authority

June 2009



# About the Authority

## WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

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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. It is chaired by a High Court Judge and has two other members.

Being independent means that the Authority makes its own findings based on the facts and the law. In this way, its independence is similar to that of a Court.

The Authority has two investigating teams, made up of highly experienced investigators who have worked in a range of law enforcement 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;
- 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 can make findings and recommendations about Police conduct.



**IPCA**

Independent Police Conduct Authority  
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