

Independence
trustworthiness
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vigilance

integrity

Fatal Pursuit of Pehi Tahana

July 2010



IPCA
Independent Police Conduct Authority
Whaia te pono, kia puawai ko te tika



July 2010

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A decorative graphic on the left side of the header, featuring a stylized, golden, swirling shape that resembles a nautilus shell or a flame. The word "Contents" is written in a white, sans-serif font over the lower part of this graphic.

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INDEPENDENT POLICE CONDUCT AUTHORITY

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Introduction

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

1. At about 2.40pm on 5 February 2007, a Holden Commodore driven by 14-year-old Pehi Tahana crashed on Harwoods Road, South Waikato following a Police pursuit. Pehi Tahana died at the scene. One of his two passengers suffered serious injuries, the other minor injuries. A member of the public also received moderate injuries.
2. The Police notified the Independent Police Conduct Authority of the pursuit, and the Authority conducted its own investigation.
3. In addition, on 26 September 2008, Ms Sireena Kauai, mother of Pehi Tahana, wrote to the Authority about the pursuit. Her letter raised four concerns about Police actions.
4. This report describes the events leading to the death of Pehi Tahana. The Authority's investigation considered matters of Police conduct and compliance with relevant laws and policies. This report sets out the results of that investigation, and makes findings and recommendations.

Glossary of Officers

| Officers | Roles | Comment |
|-----------------------------------|---|--|
| Officer A Marked patrol | Initiated stage 1 of pursuit Lead vehicle for 2.4km | Gold licence 'A' rated vehicle |
| Officers B & C Unmarked patrol | Took over stage 1 of pursuit from Officer A (for 1.2km) One of the following patrols for stages 2 and 3 | Officer B had silver licence 'B' rated vehicle |
| Officers D & E Marked patrol | Took over stage 1 of pursuit from Officers B & C (for 3.9km until abandonment) One of the following patrols for stages 2 and 3 | Officer D had gold licence 'A' rated vehicle |
| Officers F & G Marked patrol | One of the following patrols in stages 1 and 2 In stage 3 took over from Officer H as lead patrol for 3.95km until crash | Officer F had gold licence 'A' rated vehicle Officer G was senior field officer deployed |
| Officer H Marked patrol | Recommended pursuit (stage 3) Lead patrol for 27.9km of stage 3 | Gold licence 'A' rated vehicle |
| Officers I and J Marked patrol | Unit with road spikes | |
| Pursuit controller | Incident Controller Shift Commander at NorthComms | |



Background

INDEPENDENT POLICE CONDUCT AUTHORITY

EVENTS OF 5 FEBRUARY 2007

Events prior to the pursuit

5. During the evening of 4 February 2007 a Holden Commodore was stolen from a Rotorua home.
6. The following morning the owner advised Police of the theft, and Police received reports that the car was being driven erratically in the city.
7. Later that morning, Pehi Tahana visited a friend, and invited him and his girlfriend to travel to Tauranga and Hamilton. They left in the stolen Commodore with Pehi Tahana driving.
8. At about 2pm the male passenger put \$50 worth of petrol in the car at a Papamoa service station and Pehi Tahana drove off at speed without paying.
9. The theft and the Commodore's details were reported to Police in Tauranga, where patrols began keeping a lookout for the vehicle.

The Northern Communications Centre (NorthComms)

10. Within the New Zealand Police there are three communications centres, Northern, Central and Southern. This pursuit took place in area controlled by the Northern communications centre (NorthComms).
11. All Police pursuits must be reported to the relevant Police communications centre, which coordinates the pursuit and, if necessary, can order that it be abandoned.
12. The communications centre's shift commander acts as pursuit controller and is responsible for supervising the pursuit and coordinating the overall Police response, and for selecting and implementing appropriate tactics.
13. Communications centre dispatchers are responsible for maintaining radio contact with Police vehicles in their assigned areas. In the case of pursuits, the dispatcher's

responsibilities include (a) giving the safety reminder required under Police pursuit policy (see paragraph 21), communicating instructions from the pursuit controller, and prompting for information such as the speed and direction of the fleeing vehicle. The driver of a pursuing vehicle (or the passenger if there is one) is responsible for providing a radio commentary on the pursuit, informing the communications centre and other Police staff of the fleeing vehicle's location, speed and direction, and other 'risk factors' such as road and traffic conditions (see paragraph 106).

14. As the following part of the report ('The pursuit') explains, this pursuit began in Tauranga and continued over the Kaimai Ranges towards Hamilton, covering a distance of about 43km. As it continued, the pursuit passed from the Bay of Plenty Police district to the Waikato Police district and through an area covered by three Police radio channels (Tauranga, Waikato South, and Rotorua/Tokoroa/Taupo). Those channels were operated by three dispatchers, who sat next to each other at NorthComms.
15. During this pursuit, the NorthComms shift commander, acted as pursuit controller. All of his instructions were transmitted to patrols by the respective dispatchers.

The pursuit

16. For ease of reference the pursuit is divided into three stages.

Stage 1

17. During this stage, all references to NorthComms are in respect of the Tauranga radio channel and dispatcher.
18. At approximately 2.19pm Officer A, the sole occupant of a marked patrol car, saw the Commodore stationary in a line of traffic at the Maungatapu roundabout in Tauranga. Officer A radioed NorthComms giving the location of the Commodore. When the Commodore started moving forward the officer activated her patrol car warning lights and drove forward trying to block the Commodore's entry to the roundabout.
19. In response, Pehi Tahana drove off the road, onto a grass verge, through the roundabout and along state highway 29 towards the Kaimai Ranges.
20. Officer A followed with lights and siren activated, at a distance of about 200 metres. She radioed NorthComms, advised she was in pursuit, and gave the direction of travel and the Commodore's speed as 80kph in a 50kph area.
21. The NorthComms dispatcher immediately gave Officer A the warning required under the Police pursuit policy, saying: *"If there is an unjustified risk to any person you are to abandon pursuit immediately do you understand."* Officer A acknowledged this warning.

22. Officer A then advised NorthComms that the Commodore was about 300 metres in front, heading towards Poike Road, travelling at 140kph, first in a 50kph area and then in a 100kph area.
23. A few seconds later, at 2.20:25pm, Officer A reported to NorthComms that an unmarked car had taken over the pursuit. NorthComms said *"No not a plain car"* and requested that a marked car take over as lead pursuit vehicle. Officer C, the passenger in the unmarked car, then told NorthComms that he and Officer B had taken over as lead vehicle because Officer A was heavily pregnant and the sole occupant of her vehicle.
24. NorthComms then radioed patrols to find a marked car able to take over as lead vehicle.
25. At 2.21:10pm, at the Oropi roundabout on the outskirts of Tauranga, after 1.2 kilometres, Officers D and E, in a marked Police car, took over as lead vehicle. They were followed by Officers F and G, also in a marked car. Officer E reported that traffic was heavy and speed was 84kph.
26. NorthComms gave the pursuit warning to the new lead vehicle and this was acknowledged by Officer E.
27. Two witnesses saw the pursuit convoy travel through the Oropi roundabout. Both described Pehi Tahana's driving as *"dangerous"* and said the Commodore was travelling at a speed over 100kph. One witness said that the Commodore *"...wallowed from left to right. It looked like the suspension was stuffed."* This witness described the Police cars as travelling a lot slower and in a responsible manner.
28. Officer E maintained a constant commentary with NorthComms, advising that the Commodore was *"heading towards oncoming traffic"*, and travelling at speeds up to 165kph, in a 100kph area.
29. At 2.22:42pm, having received confirmation that the Commodore was overtaking around corners in heavy traffic, NorthComms gave the direction: *"All vehicles abandon pursuit, abandon pursuit immediately [Officers D & E callsign] copy abandoning pursuit."*
30. Officer E immediately responded acknowledging the direction.
31. A few seconds later NorthComms asked Officers D and E to confirm they had abandoned and turned off the vehicles lights and sirens. Officer E replied that they had abandoned and were stopped at the roundabout at the intersection of SH29 and Takitumu Drive (Route K).
32. This first stage of the pursuit lasted approximately three and half minutes and covered a distance of 6.6 kilometres, with an average speed of 113kph.

Stage 2

33. During this stage, all references to NorthComms again relate to the Tauranga radio channel and dispatcher.
34. Because he was driving at such a high speed, Pehi Tahana lost control of the Commodore while he was negotiating the Route K roundabout. The car ended up on the grass verge, momentarily immobile. On seeing this, Officer G, the senior officer in the field, instructed his driver, Officer F, to drive forward and block the Commodore while it was on the grass. The other two patrols followed. At the same time, Officer C advised NorthComms that the Commodore had *"lost it on the roundabout"*.
35. Before the patrols could block him in, Pehi Tahana drove over the grass and away from the Police cars, and sped off. Officer C advised NorthComms that the driver had *"got the vehicle going again and is heading through Tauriko"*.
36. Several witnesses saw this move. They all said that the Police cars were moving slowly, without lights and sirens, and were obviously letting the driver of the Commodore *"do his own thing"*.
37. The three patrol cars followed the Commodore. All kept within the speed limit and none used their lights and sirens.
38. NorthComms asked one of the patrols if they were in pursuit. Officer C replied: *"Negative we have lights turned off but are following within speed limit."*
39. Another marked patrol driven by Officer H was stationed ahead of the pursuit on the Tauranga side of the Kaimai Ranges. Officer H advised NorthComms of his position and asked for permission to recommence the pursuit if the Commodore passed him.
40. During this stage, the Waikato South and Rotorua NorthComms dispatchers, on their respective channels, were trying to find a Police vehicle carrying road spikes which could be used to stop the Commodore. NorthComms was also trying to find a helicopter to assist Police in following the Commodore. Two helicopters were available, based in Tauranga and Rotorua, but no further action was taken to organise one.
41. At 2.26pm an officer advised NorthComms: *"Just so you're aware there's a number of trucks and vehicles in front of us so we're still not in pursuit."* NorthComms replied: *"Roger just keep following it."*
42. Stage 2 lasted approximately four and a half minutes and covered a distance of 7.3 kilometres, with an average speed of 97kph. For part of this stage, the following Police patrols did not have the Commodore in their sights.

Stage 3

43. During this stage, communication with NorthComms took place on all three radio channels.
44. At 2.26pm Officer H, immediately after the Commodore passed his position, asked the Tauranga dispatcher if he could recommence the pursuit. He said that traffic was quite light. The dispatcher replied: *"Confirm you are a marked unit and what's the traffic conditions."* Officer H replied: *"Traffic currently light ah I am a marked unit."* The dispatcher gave Officer H permission to recommence a pursuit.
45. The dispatcher again issued the pursuit warning, and Officer H acknowledged receipt of the warning (see paragraph 21 for wording).
46. Officer H followed the Commodore for a total of 27.9 kilometres with lights and sirens operating. During this time he provided the Tauranga dispatcher with regular updates as to speed, traffic volume and standard of driving. The speed of the Commodore varied between 118kph and 140kph going up the Tauranga side of the Kaimai Ranges. Traffic volume varied between light and moderate. Officer H advised that at times the Commodore was passing vehicles using the passing lanes and at times was crossing to the wrong side of the road on double yellow lines. At times Pehi Tahana used his indicators, while at other times he did not.
47. Throughout this stage, Officers B and C, D and E, and F and G also took part in the pursuit, following behind Officer H. At all times the following patrols had their lights and sirens operating.
48. At 2.31:42pm Officer H advised the Tauranga dispatcher: *"...his suspension doesn't appear too hot he's not travelling around the corners at a comfortable rate his speed is 130."*
49. At 2.32:28pm Officer H advised that he could possibly get in front of the Commodore and that he and the other Police units travelling behind could try to box it in. The Tauranga dispatcher asked Officer H for his speed, which was 140kph, and then gave the response: *"That's a negative from the Inspector at Comms over."*
50. As the pursuit convoy approached the Kaimai summit, at 2.33:22pm Officer H again commented on the Commodore's suspension, saying: *"I would say given the suspension he's going to struggle down the Waikato side of the Kaimais Comms."*
51. In the same transmission, Officer H asked the Tauranga dispatcher which radio channel he should change to as he was aware that he was moving into an area where radio reception was unreliable. After some hesitation, the Tauranga dispatcher, on being prompted by another officer, told Officer H to change to the Waikato South channel.

52. Officer H could not tune in to the Waikato South channel but did find the Rotorua channel and radioed the Rotorua dispatcher saying so. The Rotorua dispatcher told Officer H that he was on the wrong channel and that he should be on the Waikato South channel.
53. Officer H again searched for, but was unable to find, the Waikato South channel. At 2.35pm he returned to the Rotorua channel and asked the Rotorua dispatcher to monitor him.
54. This meant that Officer H was on a different channel from the other Police vehicles, which meant that the other officers could not hear his updates or the related commentary from the Rotorua dispatcher.
55. For the next seven minutes there was confusion in the radio communication among Police vehicles involved in the pursuit, and between the vehicles and NorthComms. This was because:
 - i) The Kaimai Ranges are known to Police as an area of unreliable radio communication. The Ranges also mark the natural boundary between Police districts and the periphery of their respective radio channels.
 - ii) When the Tauranga patrols, who had been initially following the pursuit and monitoring Officer H's commentary on the Tauranga channel, changed to the Waikato South channel on the direction of the Tauranga dispatcher, they could not find Officer H and his commentary there.
 - iii) The other patrols were not told to follow officer H to the Rotorua channel. They either remained on Waikato South or kept switching between channels trying to find Officer H's commentary.
 - iv) Officers I and J (see paragraphs 63 to 73), who normally operate on the Rotorua channel, made initial contact with NorthComms on the Tauranga channel, but then changed to the Waikato South channel because of the distorted radio reception.
56. A number of patrols asked NorthComms which channel was being used. At 2.36pm, Officer C radioed NorthComms on the Waikato South channel and said: *"I'm not sure who's doing the pursuit commentary or what channel."*
57. At the bottom of the Kaimai Range Pehi Tahana turned left from state highway 29 onto Rapurapu Road (state highway 28). Officer H's car was still the lead pursuit vehicle. Because of traffic and topography, Officer H had intermittent visual contact with the Commodore. The three other Tauranga-based cars were further behind.
58. When Officer H arrived at the T intersection of Rapurapu Road and Te Poi South Road, he could not see the Commodore. While he was stationary at the intersection he advised the

Rotorua dispatcher that he had lost sight of the Commodore and asked the dispatcher to check with the other cars to see if they had any sightings. At the same time, the marked patrol car driven by Officer F drove up to the intersection and turned left along Te Poi South Road, following it until it became Harwoods Road, still part of state highway 28.

59. Officers F and G did not immediately see the Commodore, but a short time later caught a glimpse of it about 500 metres ahead.
60. Two independent witnesses saw the Commodore as it drove along Harwoods Road; both estimated that it was travelling at about 150kph.
61. Officer G was unable to communicate with any dispatcher from NorthComms. He said: *“I was still unable to hear other units and attempted to call NorthComms to advise them [Officer F] and I were now the primary unit. There was no response.”*
62. Officer F led the pursuit for the next 3.95 kilometres. Apart from the initial glimpse of the Commodore, Officers F and G did not see the Commodore again until after it had crashed (see paragraph 71) on Harwoods Road. The third stage of the pursuit lasted approximately 14 minutes and covered a distance of 29.6 kilometres, with an average speed of 122kph.

The use of road spikes

63. Officer I was on duty at the Putaruru Police station when he was told of NorthComms request for spikes. He left the station with Officer J and headed towards Rapurapu Road. Officer I advised the Authority that whilst en-route he observed heavy traffic on both state highway 5 and state highway 1. He said that the road was always busy, but that the usual traffic volume was increased due to it being Waitangi weekend.
64. Officers I and J positioned themselves on Harwoods Road. They parked their patrol car on the grass verge, off the road, facing north, by the northbound lane.
65. Officer I told Officer J to stop approaching vehicles. Officer J ran back about 60 metres and started to flag down an approaching van.
66. At the same time, Officer I took the road spikes out of the boot of the patrol car. Both officers could hear, in the distance, the speeding Commodore and the sirens from pursuing Police cars.
67. Officer I pulled the spikes across the road. He later said that, as he did so, he could see a blue car coming in the distance. He looked the other way and could see Officer J trying to wave a van into a farm driveway about 50 metres ahead.
68. Officer I then ducked down in the grass out of view of the approaching car.

69. Pehi Tahana applied the brakes about 40 metres before the spikes. The left front wheel locked up momentarily and the Commodore started veering towards the grass where Officer I was positioned. Officer I thought he was about to be hit and started to climb over a roadside fence. It cannot be established whether Pehi drove on to the grass because he was aiming at Officer A, or because he was attempting to evade the road spikes, or because his front wheels had locked up.
70. The Commodore then straightened up within its own lane and ran over the spikes.
71. Pehi Tahana immediately lost control and the Commodore slid sideways towards Officer J and the van, which had stopped at the entrance to a farm driveway, about 60 metres away. There was no time for the van driver to move. Officer J ran behind the van just before the Commodore crashed sideways into the front of it, pushing the van into the middle of the road.
72. Three independent witnesses saw the crash. They estimated that the Commodore was travelling between 100 and 120kph before it drove over the spikes.
73. The driver of the van received moderate injuries in the crash. His van was extensively damaged.

Police action following crash

74. At 2.40pm an officer radioed NorthComms on the Waikato South channel advising: *“Vehicle’s been spiked Comms and has ah crashed.”*
75. Due to several different radio channels being used, it was a few minutes before everyone was aware of what had taken place. As one patrol was asking for an ambulance, another was asking the Rotorua dispatcher what channel the pursuit was on.
76. The Ambulance and Fire services were, however, called immediately.

Driver’s identity

77. Neither Pehi Tahana’s identity, nor those of his passengers, was known to Police during the pursuit.

Passengers

78. Both passengers of the Commodore stated that they repeatedly told Pehi Tahana to stop the car. The front seat passenger said:

“I again told him to stop. I told him about 50 times throughout the chase but he wouldn’t. He just said ‘fuck the pigs, they can catch me’ ”.

POLICE INVESTIGATIONS

79. Police carried out an internal investigation into the pursuit. The investigation concluded that the pursuit and the use of road spikes were justified and were undertaken in accordance with Police policy. Police found no breaches of policy or law by any of the officers involved.

POLICE CRASH ANALYSIS

80. The Police Serious Crash Unit's analysis of the crash focused on three principal areas: the environment; the vehicles; and the people involved.

Environment

81. Harwoods Road is a rural road which runs between state highways 5 and 29. The road itself is a chip-seal surface. It is two-laned, marked with a white centre line and white fog lines.
82. At the time of the crash, the weather was clear and dry, and the road was clear.
83. Sun strike was not a contributing factor.
84. Following a 900-metre straight the road makes a moderate right, then another moderate left turn leading onto a short straight where the crash took place.

Vehicle 1 – Holden VL Commodore 1987

85. The stolen Commodore was in a state of disrepair; it was not up to warrant of fitness standard. The warrant had expired in April 2006.
86. The front tyres were mismatched, as were the rims they were fitted to. These tyres were punctured by the road spikes and were deflated.
87. The rear tyres were matched, but were not inflated to the correct pressure. Both tyres had cracks consistent with heavy weathering. Both rear tyres were Bridgestone V Grid tyres, which have a specific tread pattern requiring them to be fitted in relation to their position on the car. Both tyres were mounted incorrectly causing the tyres to rotate in the wrong direction.
88. The left front and both rear wheels were incorrectly fitted to the hubs.
89. A report from a Vehicle Testing New Zealand Ltd (VTNZ) Inspector found: *"The size difference on the front axle combined with the directional tyres on the rear incorrect there may have been some degree of vehicle instability and steering control due to these factors."*

90. A speed analysis indicated that the Commodore was travelling at a speed of 126kph prior to braking, at least 116kph before entering the sideways slide, and at 46kph at the time of impact.
91. The Crash Analyst formed the opinion that: *“The Holden Commodore...was not fit to be travelling on the public roads. Issues with the instability of the front wheels (differing sizes) and the lack of power steering would place added pressure on the driver.”*
92. The Crash Analyst was also of the opinion that: *“The driver, a 14 year old male of limited driving experience and with the intent of evading Police would be seen as a causative factor.”*
93. A crash analysis peer reviewer said:

“I do ... believe that the history of the pursuit, distance, duration, and driving manner are all factors which need to be mentioned as part of the overview of the Human aspect of the crash. Of the three areas, Environment, Vehicles, and People it is the latter two that have been factors. Although the Vehicle albeit a lesser factor than the Human in this instance.”

Pehi Tahana

94. At 14 years of age, Pehi Tahana was not a licensed driver.
95. He had a history of dishonesty, drug related offending and of escaping from custody.
96. Four weeks before this incident, Pehi Tahana had driven and crashed another stolen vehicle. When asked by the attending Police officer what he would have done if the Police had found him driving that stolen car, Pehi responded:

“I wouldn’t have stopped. I would have kept driving. I wouldn’t care if Police were chasing me. I am a good driver.”
97. Pehi Tahana was wearing a seatbelt at the time of the 5 February 2007 crash.
98. An analysis of blood taken from him found that he had 5 milligrams of alcohol per 100 millilitres of blood. The legal limit for a driver under the age of 20 is 30 milligrams of alcohol per 100 millilitres of blood.
99. The analysis also found that he had a tetrahydrocannabinol (THC) level of 5 micrograms per litre of blood, consistent with him having smoked the equivalent of a single cannabis cigarette within about three hours prior to death. The forensic toxicology report contained the caution that:

“Blood THC levels are generally a poor indicator of cannabis intoxication. It is not usually possible to determine whether a subject was intoxicated based on blood levels alone. However, the level of THC is such that it is likely Mr Tahana was affected by cannabis at the time of his death.”

Cause of death

100. A postmortem examination established the principal pathological findings as:

- “1. Fractured skull with intra cranial haemorrhage*
- 2. Fractured rib cage with internal injuries and haemorrhage*
- 3. Consistent with Motor vehicle crash.”*



Applicable Laws and Policies

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LAWS AND POLICIES

Legislative authority for pursuits

101. Under the Land Transport Act 1988, 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.

Police pursuit policy

Background

102. The Authority has undertaken its investigation and makes its findings and recommendations on the basis of the policies and practices in place at the time of the pursuit.

103. The Authority acknowledges that since that time, Police policy, management, training and review of pursuits has further developed, and matters raised in this report are either in the process of being addressed, or are planned for implementation shortly.

Definition

104. A pursuit 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.

Overriding principle

105. Under the Police pursuit 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

106. Under the policy that applied at the time of this crash (a new policy was introduced on 10 July 2009), before commencing a pursuit an officer was required to first undertake a risk assessment. This involved consideration of the speed and other behaviour of the offending vehicle, traffic and weather conditions, the identity and other characteristics of the people in the pursued vehicle, the environment, and the capabilities of the Police driver and vehicle. The officer was then required to determine whether *“the immediate need to effect apprehension of the offender is outweighed by the risks posed by a pursuit to the public, the occupants of the pursued vehicle, or police”*.
107. Throughout a pursuit, Police must continue to assess the risks involved and they must abandon it if the risks to safety outweigh the immediate need to apprehend the offender.

Roles and responsibilities

108. 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, drive in a manner that prioritises public and Police safety, continue to undertake risk assessments throughout the pursuit, 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.
109. The passenger in a pursuing vehicle must assist the driver by operating the radio and advising of possible hazards. If senior in rank or service, the passenger may also direct the driver to abandon the pursuit.
110. The dispatcher at the Police communications centre must maintain radio communications with staff involved in the pursuit, give the safety reminder referred to in paragraph 21, and communicate instructions from the pursuit controller.
111. The pursuit controller (i.e. the shift commander at the communications centre) 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.

Driver and vehicle classification

112. Under the policy, pursuits may only be carried out by drivers who have qualified under the Police Professional Driver Programme. The policy also places restrictions on which Police vehicles can take part in pursuits. The policy states that when considering whether to commence a pursuit, the following factors must form part of the risk assessment: *“officer capabilities, such as experience, whether they are operating single-crewed, and the limitations of their vehicle (including whether it is marked – in a pursuit an unmarked vehicle is to be replaced by a marked vehicle as soon as possible).”*

Abandonment and recommencement

113. A pursuit must be abandoned if at any stage the risks to safety outweigh the immediate need to apprehend the offender.

114. 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</i> |
| 2 | <i>Immediately reduce speed to increase the distance between the offender’s 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> |

115. In relation to recommencing a pursuit, the policy states:

“An abandoned pursuit is not to be recommenced without the approval of the Pursuit Controller. Approval is only to be considered if the situation has changed following abandonment, and where risk assessments [referred to in paragraphs 106 and 107 above]... indicate that the risks involved in pursuit have reduced so that the need to effect immediate apprehension is no longer outweighed by the risks posed by recommencing pursuit.”

Road spikes

116. The 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.

117. The Police policy ‘Tyre Deflation Devices’ regulates the use of road spikes.

118. Under the policy the pursuit controller must (amongst other things):

- consider whether to deploy road spikes;
- supervise and monitor the officers involved in deploying the road spikes;
- maintain communication with the deploying officer; and
- regularly question the deploying officer about the road and traffic conditions.

119. The deploying officer must (amongst other things):

- be trained in deploying the road spikes;
- deploy them only on the authority of the pursuit controller;
- identify and establish communication with the lead pursuit vehicle and find out:
 - the number of vehicles involved, and the location, direction and speed of the pursuit;
 - the target vehicle's description, whether weapons are involved, and other risk factors;
 - the target vehicle's lane.

120. The policy further states that a tyre deflation device must not be deployed on vehicles travelling at more than 100kph, motorcycles and heavy vehicles.

121. The lead pursuit driver must identify and establish communication with the deploying officer and;

- inform him of the matters contained in paragraph 119 above; and
- keep the deploying officer informed of the target vehicle's speed.

122. The site chosen to deploy the road spikes must (amongst other things):

- provide a clear view of the road in each direction;
- offer enough visibility in all directions to allow you to observe the suspect vehicle and other traffic as they approach;
- provide cover for the deploying officer, rather than simple concealment.



The Authority's Investigation

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THE AUTHORITY'S ROLE

123. Under the Independent Police Conduct Authority Act 1988, the Authority's functions are to:

- receive complaints alleging misconduct or neglect of duty by any Police employee, or concerning any practice, policy or procedure of the Police affecting the person or body of persons making the complaint; and to
- investigate, where it is satisfied there are reasonable grounds for doing so in the public interest, any incident in which a Police employee, acting in the course of his or her duty has caused or appears to have caused death or serious bodily harm.

124. The Authority's role on completion of an investigation is to determine whether Police actions were contrary to law, unreasonable, unjustified, unfair, or undesirable.

THE AUTHORITY'S INVESTIGATION

125. As required under section 13 of the Independent Police Conduct Authority Act 1988, the Police notified the Authority on 5 February 2007 of the death of Pehi Tahana.

126. The Authority assigned an investigator. The purpose of the investigation was to determine whether there had been misconduct or neglect of duty on the part of any member of the Police, and to examine Police compliance with the relevant Police practices, policies and procedures. The investigation was separate from, and independent of, the Police criminal and disciplinary investigations.

127. The Authority's investigator attended the initial Police investigation briefings, then monitored the Police investigations throughout and reviewed the documentation produced by the Police investigation team.

128. During its review of the Police investigation, the Authority directed that Police interview a further eight officers and review other aspects of its investigation. The Authority also re-visited the scene and the pursuit route, and liaised with Pehi Tahana's mother.

ISSUES CONSIDERED

129. The Authority's investigation considered the following issues:

- Issue 1: Did Police comply with the law and pursuit policy during stage 1 of the pursuit, specifically in relation to the:
 - commencement of the pursuit;
 - duration of the pursuit; and
 - abandonment of the pursuit.
- Issue 2: Did Police comply with the pursuit policy during stage 2 of the pursuit when they continued to follow the Commodore towards the Kaimai Ranges, after the abandonment of stage 1 of the pursuit.
- Issue 3: Did Police comply with the pursuit policy during stage 3 of the pursuit, specifically in relation to:
 - recommencement of pursuit;
 - consideration of abandonment.
- Issue 4: Was communication between NorthComms and the Police patrols effective?
- Issue 5: Did Police comply with policy in relation to use of road spikes, specifically in relation to:
 - the decision to use road spikes;
 - selection of the deployment site; and
 - the actual deployment.

130. The Authority also considered the following concerns, which were raised in a letter from Pehi Tahana's mother, Sireena Kauī:

- That Police knew or saw that the Commodore was not in good condition as it struggled to climb the Kaimai Ranges, and should have stopped it earlier.
- That Police caused her son's death and put other road users and passengers at risk, by deploying the spikes on a bend.
- That Police should have stopped oncoming traffic before they used the spikes. In not doing so they put other road users at risk.
- Overall concerns with the way the Police conducted the pursuit.



The Authority's Findings

INDEPENDENT POLICE CONDUCT AUTHORITY

1. STAGE 1 OF THE PURSUIT

Was Officer A justified under the law and Police pursuit policy in commencing the pursuit?

131. As explained in paragraph 101, under the Crimes Act 1961 Police may stop a vehicle when there are reasonable grounds to believe that an occupant has committed an offence punishable by imprisonment. If the vehicle fails to stop, it may be pursued.

132. In this case, Officer A had been informed that the Commodore had been stolen (an offence punishable by a term of imprisonment of up to seven years) and that its occupants had stolen \$50 of petrol (punishable by a term of imprisonment of up to three months). Once the officer had signalled for the Commodore to stop, and the Commodore had instead sped away, the officer was justified under the law in commencing a pursuit.

133. As explained in paragraphs 106 and 107, the Police pursuit policy requires officers, before commencing a pursuit, to consider a range of risk factors before determining whether the immediate need to apprehend the offender outweighs the risks.

134. Officer A, interviewed during the Police investigation, stated that she considered:

- the behaviour of the driver of the Commodore (driving onto the grass verge to get away);
- the known offending (stolen motor vehicle and theft of petrol); and
- that the traffic was at a standstill at the roundabout;

and formed the view that the need for immediate apprehension outweighed the risks. The officer also informed NorthComms of several risk factors including speed, traffic volume, and the number of occupants in the Commodore.

135. Officer A, and her patrol car, were appropriately classified to undertake pursuits under the Police Professional Driver Programme.

FINDING

Officer A's decision to commence the pursuit was justified under the Crimes Act 1961 and complied with the Police pursuit policy.

Did Police comply with the pursuit policy during stage 1 of the pursuit?

Vehicle classifications

136. As explained in paragraph 112, a pursuit should where possible be led by a marked Police vehicle. When an unmarked vehicle is pursuing, it should be replaced as soon as possible by a marked vehicle. The policy also provides, as an overriding principle, that the safety of Police and the public outweighs the need to apprehend the offender.
137. In this pursuit, a marked car (driven by Officer A, who was pregnant and was the sole occupant of her vehicle) was replaced by an unmarked vehicle (Officers B and C). As soon as NorthComms became aware of this, it ordered a marked vehicle to take over the pursuit. This occurred when Officers D and E took over.

Communication requirements

138. When Officers D and E took over the pursuit, NorthComms gave them the safety warning required under the pursuit policy, and Officer E acknowledged the warning.
139. Throughout this stage, Officers A, C and E provided NorthComms with all of the information required under the policy.

FINDING

The decision of Officers C and D to take over the lead in the pursuit was not in strict compliance with the policy but was appropriate under the circumstances. By ordering a marked Police car to immediately take over the pursuit, NorthComms ensured that the policy was complied with.

Police complied with all communication requirements during this stage of the pursuit.

Did Police comply with the pursuit policy when abandoning stage 1 of the pursuit?

140. As explained in paragraph 107, officers involved in a pursuit must continually assess the risks and must abandon the pursuit if the risks outweigh the immediate need to apprehend the offender. The decision to abandon pursuit can be made by any of: the driver of a

pursuing vehicle; the passenger of a pursuing vehicle (if superior in rank or service to the driver); the pursuit controller.

141. In this pursuit, when NorthComms was advised that the Commodore was travelling at 165kph approaching a 70kph zone, that traffic was heavy, and that the Commodore was overtaking on corners, the pursuit controller made a decision to abandon (see paragraph 29). The dispatcher, on instructions from the pursuit controller, then called for all vehicles to abandon pursuit.
142. When a decision is made to abandon, all pursuing officers must follow the abandonment procedure set out in paragraph 114. In this pursuit, having been told to abandon, all officers deactivated their vehicles' warning lights and sirens, and brought their vehicles to a complete stop.

FINDING

NorthComms complied with the pursuit policy when making the decision to abandon the pursuit.

All patrols correctly followed the abandonment procedure.

2. STAGE 2 OF THE PURSUIT

Did Police act in compliance with the pursuit policy when they 'followed' the Commodore for 7.3 kilometres?

143. When a decision is made to abandon a pursuit, the pursuing officers are required to turn off their vehicle lights and sirens and come to a complete stop. Though the pursuit policy does not explicitly say so, the reason for this is to reduce pressure on the fleeing driver in the hope of encouraging him or her to reduce speed and risk-taking. The policy sets out the procedure for recommencing a pursuit. Though it is silent on whether an officer who is travelling within the speed limit and complying with road rules may 'follow' a vehicle that has previously been pursued, it does require safety to be the overriding consideration.

144. In this case, as explained in paragraphs 34 to 42, after the pursuit was abandoned three Police vehicles followed the Commodore for a distance of 7.3 kilometres. The Police vehicles travelled within the speed limit and with their lights and sirens off. The officers in these vehicles told NorthComms that they were 'following' rather than 'in pursuit', and NorthComms approved this approach. As the road was, in parts, relatively straight, it can be assumed that Pehi Tahana knew he was being followed.

FINDINGS

The Police complied with road rules in following Pehi Tahana, and were not subject to the pursuit policy (as they were not engaged in pursuit).

An Authority recommendation follows at the conclusion of the report.

3. STAGE 3 OF THE PURSUIT

Did Police comply with the pursuit policy in relation to the recommencement of the pursuit?

145. The pursuit policy states: *“An abandoned pursuit is not to be recommenced without the approval of the pursuit controller.”* The policy also states that a recommencement is only to be considered if the situation (and risk assessment) has changed following abandonment.
146. As explained in paragraph 44, Officer H told NorthComms that traffic was light and road conditions safe. On this basis, the pursuit controller formed the view that conditions had changed since the pursuit had been abandoned and instructed the Tauranga dispatcher, to give Officer H permission to recommence the pursuit.

FINDING

Officer H and NorthComms complied with the pursuit policy as it relates to recommencement of the pursuit.

Should stage 3 of the pursuit have been abandoned?

147. The pursuit policy states that, where the need to effect immediate apprehension is outweighed by the risks posed by the continuation of the pursuit, the pursuit must be abandoned.
148. While no single factor may have been enough to cause this pursuit to be abandoned, a combination of some or all of the factors below, culminating in the radio communication difficulties in the later part of stage 3, should have led to the pursuit controller ordering its abandonment:
- none of the crimes committed by the Commodore’s occupants (driving a stolen motor vehicle and theft of \$50 of petrol) posed an immediate threat to public safety;
 - Pehi Tahana’s sustained excessive speed and dangerous overtaking manoeuvres over a considerable distance and for a considerable period of time;
 - Pehi Tahana’s obvious awareness of the pursuit and his demonstrated determination not to get caught – clear from his actions to evade Police at the Maungatapu and Route K roundabouts (see paragraphs 19, and 34 and 35);
 - the abandonment of stage 1 of the pursuit;
 - that despite Police actions there was no change in the manner of driving throughout;

- the terrain over which the pursuit took place; Kaimai Ranges;
- concerns about the Commodore's suspension;
- communication failures, specifically the absence of communication between Officer H (lead vehicle for most of stage 3), Officers F & G (lead vehicle at crash and senior field officer) and Officer I (spikes).

149. All officers involved in stage 3 were partially aware of the progress of the pursuit, but only the pursuit controller was aware of every element, and responsibility for abandoning the pursuit rested with the pursuit controller.

FINDING

In the Authority's view, particularly when communications became a problem, the risks posed by the continuation of the pursuit outweighed the need to effect immediate apprehension of the offender, and the pursuit controller should have abandoned the pursuit.

An Authority recommendation follows at the conclusion of the report.

4. COMMUNICATION WITH NORTHCOMMS

Was communication between NorthComms and the police patrols effective?

150. As noted in paragraphs 14, 51 to 56, and 61, officers involved in the pursuit were using three separate radio channels and, at times, the lead pursuit vehicle was on a different channel from others. This led to confusion about which vehicle was leading, how many vehicles were involved, and the status of the pursuit.

Pursuing officers' views

151. Officer G, in the second pursuit vehicle, reported that at the start of his descent down the Kaimai Ranges, on being told to change to the Waikato South channel, he could not find it. He had lost visual contact with Officer H (who was at that stage leading the pursuit), and attempted to contact him on several channels without success. At the base of the range he saw Officer H, at "some considerable distance ahead" turn into Rapurapu Road. Officer G (making the assumption that Officer H was still following the Commodore) said:

"I was still unable to establish radio communication with [Officer H] and NorthComms and was unaware whether the commentary was still being provided or monitored. I attempted to call NorthComms to advise the offender had turned into Rapurapu Road."

152. Officer G said that along Rapurapu Road he continued to search for an active radio channel, but could not find one. He said, when his car became the lead patrol on Harwoods Road:

"I was still unable to hear other units and attempted to call NorthComms to advise them [callsign] were now the primary unit. There was no response."

153. The two units waiting with road spikes were on the Waikato South channel.

154. Officer I said that the use of different channels was a serious issue, and described the communication as affected by static and unclear.

155. A number of patrols asked the NorthComms dispatchers what channel the pursuit was being controlled on. At one point, Officer C advised the Waikato South dispatcher "[vehicle code] is actually the 3rd car; I'm not sure who's doing the pursuit commentary or what channel."

156. Another patrol asked; "Is this pursuit being run off the Tauranga channel or are the channels going to be linked?"

157. When asked his views on the radio channels used during the pursuit, Officer D said:

"It was good on the Tauranga side but once we got over the top of the Kaimais we had problems finding the channel to go to. [Officer E] was trying to find the channel and I'm not sure what we ended up with. We certainly couldn't pick up what was happening with the pursuit and I believe it certainly could have been better organised by Comms. By that time we were well behind the pursuit and had lost all visuals of the Commodore."

The response from NorthComms

158. The NorthComms pursuit controller said that changing channels did not compromise his command of the incident because the three dispatchers sit next to each other. He was aware that Officer H was being monitored on another channel. He said he was used to dealing with such events.

Dispatchers' views

159. Although the pursuit controller considered that he knew what was happening with the pursuit, there appears to have been some lack of interaction between the three dispatchers.

160. When they were asked about the patrols that followed the Commodore over the range, each gave a different answer. The Tauranga dispatcher said she was not sure how many

patrols there were; the Waikato South dispatcher, who was in charge of monitoring the pursuit from that point, said she initially thought only Officer H went over the range, and was surprised when she heard a transmission from another patrol; and the Rotorua dispatcher thought only Officer H went over.

161. The Rotorua dispatcher (monitoring Officer H, the lead vehicle during most of stage 3) said she only became aware that road spikes were going to be used when she overheard a transmission from the Waikato South dispatcher.
162. From the dispatchers' statements, it appears that they were focused only on what was happening on their respective channels. They heard something of what was taking place across the channels but there does not appear to have been a plan by the pursuit controller to ensure there was an efficient exchange of information between the dispatchers.

FINDING

The pursuit controller failed to ensure that communications between the dispatchers, the pursuing patrols and the patrols with spikes was effective.

The lack of effective communications should have led to the pursuit controller abandoning the pursuit.

5. THE USE OF ROAD SPIKES

Was the decision to use road spikes to try and stop the Commodore reasonable in the circumstances?

163. The manner in which Pehi Tahana was driving the Commodore created a high risk to other road users.
164. Police had a duty to try to stop the Commodore before it reached state highway 1 (New Zealand's main and busiest highway).
165. Since Pehi Tahana had repeatedly failed to stop and was driving in a dangerous manner, the decision to use road spikes to try to stop him was reasonable.

FINDING

The pursuit controller's decision to use spikes was reasonable in the circumstances.

Did Police comply with policy in relation to the location of the deployment site?

166. As explained in paragraph 122, under Police policy, an officer may only use road spikes at sites where there is a clear view of the road in each direction, enough visibility for the officer to see the suspect vehicle and other traffic as they approach, and cover (not just concealment) for the officer.
167. After responding to NorthComms' call for road spikes, Officers I and J took seven minutes to reach Harwoods Road. By that time, the Commodore was also on Harwoods Road heading towards them.
168. Officer I, who is familiar with the area and trained in use of road spikes, rejected two possible sites – one because it offered an escape route and the other because the spikes could not be safely laid out before the Commodore arrived.
169. He then decided on a third location, at the start of a short straight, after a moderate bend. (Whilst some witnesses described this site as “a corner”, it is, more correctly, a moderate left sweeping bend.)
170. The chosen site provided a clear view in both directions and allowed the officer to see both the Commodore and traffic heading in the opposite direction. It also provided cover for Officer I.

FINDING

The location chosen by Officer I to deploy the spikes was suitable in the circumstances.

Did Police comply with policy in relation to the deployment of road spikes?

171. One of the requirements of the policy is that spikes cannot be deployed if the speed of the fleeing car is over 100kph (see paragraph 120). Under the policy, responsibility for finding out the speed of the fleeing vehicle rests with both the pursuit controller and the officer deploying the spikes. However, responsibility for ensuring that the radio channels were open rested with the pursuit controller.
172. In this pursuit:
- While Officer H was leading, about three minutes before the crash he made two radio transmissions reporting the Commodore's speed at 140kph and at 145kph. NorthComms acknowledged these transmissions. Officers I and J, with the road spikes, were on a different radio channel from Officer H and therefore did not hear him report the Commodore's speed. Nor did NorthComms pass on this information.

- When Officers F and G took over the pursuit, 3.5km before the crash, they could not access any radio channel and therefore could not provide information on the Commodore's speed either to NorthComms or to Officers I and J.
 - There is no evidence of Officers I or J asking for information about the Commodore's speed, either from NorthComms or from the lead pursuit vehicles.
173. The Crash Analysis Report (paragraph 90) concluded that the Commodore was travelling at 126kph before it started braking about 42 metres from the spikes, and at 116kph or more when it hit the spikes.
174. It is acknowledged that there was considerable urgency in finding a suitable location for and in deploying the spikes; nonetheless there is a responsibility on that patrol, and on the pursuit controller, to comply with Police policy.
175. Under Police policy Officer I had a responsibility to seek information about the Commodore's speed before using the road spikes, and the pursuit controller had responsibility for ensuring that Officer I could communicate with the lead pursuit vehicles, and for passing on information that was reported to NorthComms about speed.
176. In relation to his decision to deploy the spikes, Officer I recently advised the Authority that he knew he was the last person available to stop the car before it got to state highway 1 or 5, and was then in a position to cause a *"huge risk to others"*.
177. Once the pursuit controller knew that the Commodore was on Rapurapu Road, heading towards Officer I at high speed, he needed to make a clear and firm decision on the use of spikes. Given that the last reported speed of the pursuit was 145kph, the pursuit controller should have directed Officer I not to deploy the spikes; he should also have considered abandoning the pursuit. Neither decision was made or communicated.

FINDINGS

The pursuit controller breached policy by allowing the use of road spikes on a vehicle travelling at more than 100kph. Officer I breached policy by not seeking information about the Commodore's speed.

The pursuit controller breached policy by not adequately supervising, monitoring or maintaining the communication link between Officer I, the lead pursuit vehicles and NorthComms, primarily in relation to speed.

6. ISSUES RAISED BY SIREENA KAUI

178. As discussed in paragraph 130, Pehi Tahana's mother Sireena Kauai wrote to the Authority expressing the following concerns:

178.1 First: Police knew or saw that the Commodore was not in good condition as it struggled to climb the Kaimai Ranges, and should have stopped it earlier.

As explained in paragraphs 48 and 50, Officer H had told NorthComms of his concerns about the Commodore's suspension; however the pursuit controller elected to continue with the pursuit. Police had attempted to stop the Commodore on two occasions while it was momentarily stationary (paragraphs 18 and 34 - 35). These attempts were unsuccessful due to Pehi Tahana's actions rather than any fault of the Police. Pehi showed through his driving that he was not prepared to stop under any circumstances.

178.2 Second: Police caused her son's death and put other road users and passengers at risk, by deploying the spikes on a bend.

As noted in paragraphs 166 to 170, the spikes were used after a gradual bend, in a location that provided good visibility in both directions. The spikes should not, however, have been used on a car that was travelling over 100kph.

178.3 Third: Police should have stopped oncoming traffic before they used the spikes. In not doing so they put other road users at risk.

The time between Officers I and J arriving at the site and the setting out of the spikes was less than a minute. As Officer I was laying the spikes, Officer J ran back to stop traffic. He stopped the first vehicle (the van) and two following cars. The officers' actions were reasonable under the circumstances.

178.4 Fourth: Overall concerns with the way the Police conducted the pursuit. Mrs Kauai said: *"I believe that the Police did not look at the situation properly"*.

The Authority has, elsewhere in this report, expressed its concern over several aspects of this pursuit. In particular, the Authority has found that the pursuit should have been abandoned during stage 3, that road spikes should not have been used on a car that was travelling at over 100kph, and that there was confusion and poor communication between NorthComms and the pursuing Police cars.



Conclusions

INDEPENDENT POLICE CONDUCT AUTHORITY

179. This pursuit involved a young and inexperienced (14-year-old) driver, in a vehicle that was known to be stolen, failing to stop and then driving at high speed and extremely recklessly in order to evade Police. Pehi Tahana demonstrated by his actions that he was prepared to take any risk to avoid being caught.
180. The pursuit took place over a distance of 43.5 kilometres and involved five pursuing Police cars. Throughout stage 3 it was plagued by difficulties with communication, which contributed to confusion about who was leading the pursuit and how many Police vehicles were involved, and ultimately contributed to the decision to use road spikes when, due to the Commodore's speed, they should not have been used.
181. Of the several breaches of policy identified in this report, the most significant occurred during stage 3 of the pursuit and included the failure to abandon despite the risks involved in continuing the pursuit, and the use of spikes on a vehicle travelling at speed.
182. Primary responsibility for breaches of policy and failures of communication rests in this case with the pursuit controller, who did not abandon the pursuit when he should have and did not adequately supervise this pursuit or ensure effective communication among pursuing Police staff. These failings were errors of judgement.
183. There was also a breach of policy on the part of Officer I in relation to the use of road spikes.

Recommendations

INDEPENDENT POLICE CONDUCT AUTHORITY

184. The Authority recommends:

- i) That Police clarify guidelines on whether, once a pursuit has been abandoned, the previously pursuing patrols should 'follow' behind the vehicle, albeit with warning devices off and at the speed limit; and whether or not this 'following' constitutes a continuation of the pursuit.

The Authority acknowledges (see paragraph 103) that this recommendation is already being addressed.

- ii) That Police assess the effectiveness of radio communication in the Kaimai Ranges area.



HON JUSTICE L P GODDARD

CHAIR

INDEPENDENT POLICE CONDUCT AUTHORITY

JULY 2010

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 two 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 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?

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.





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