ENHANCED POLICE DRIVING PROJECT

Pursuits: THE CASE FOR CHANGE

Report to the Commissioner
of New Zealand Police

New Zealand
POLICE
Nga Pirihimana O Aotearoa

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Report to the Commissioner of
New Zealand Police from a team headed
by Superintendent Roger Carson

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EXECUTIVE SUMMARY

Introduction

This review was commissioned in late July 2003 by the Deputy Commissioner Operations. DC Long sought an authoritative study to assess the quality and adequacy of current pursuits policy and practice in the wake of considerable media and public concern over two pursuits in 2003 that ended with three fatalities. These deaths occurred in a short space of time, and contrasted with just six pursuit related deaths in the previous seven years.

Objective and scope

The review team undertook a robust examination of all matters relating to police pursuits in New Zealand since the previous review in 1996 (known as the "Gibson Report"). They set out to identify areas of concern, and to provide recommendations for future policy and practice. To achieve this aim, the review team examined:

- international pursuit literature
- legislation and legal matters relating to pursuits
- outcomes and factors involved in pursuit activity in New Zealand in the period 1996-2002
- developments in the pursuits policy area in recent years
- current practices in relation to pursuit management
- current thinking in relation to police driving and driver training.

The timeframe did not allow substantial qualitative research (such as interviews with frontline staff other than at the communications centres), but even so a wealth of information emerged. This resulted in a report rather longer than planned, but the value of the material presented in this report not only provides the Police Executive with the comprehensive examination of pursuits they wanted but will act as an excellent future reference.

Chapter outlines

Chapter One - background

This chapter outlines the background to the review and the steps taken to ensure a comprehensive examination of police pursuits in New Zealand was carried out. It also presented police data on contacts with the public to put pursuits into context. This demonstrates that pursuits are rare occurrences. Police are involved in more than 5 million events each year, of which almost 3.5 million are directly related to traffic enforcement.

Using the 3.5 million events that are directly related to traffic enforcement as a base, the 785 pursuits recorded in 2002 represent 1 pursuit for every 4,459 events. If some offences (such as stolen vehicles) and incidents (such as vehicle occupant "turnovers") that are known to result in pursuits are also considered, the ratio is even higher. In a single year, most police will engage in a pursuit only rarely, if at all.

Chapter two - the wider picture

This chapter presents fascinating information about pursuits taken from the international literature. This body of work highlights the major tension in pursuit activity between the need to prevent and control crime but also to maintain public safety. A key finding was that that although all pursuits begin with an attempt by a police officer to stop a vehicle for reasons such as a traffic violation, the investigation of potential criminal offending, or other everyday policing activities, the decision by the offender to flee completely changes the situation. Police officers are well aware that the small number of people who do not stop usually have good reason for wanting to evade the Police. This is reinforced by the rare nature of these events and the criminal profile of the offenders involved. The original reason for wanting to stop the offender's vehicle is largely irrelevant once the offender fails to stop, as this changes the nature of the situation by signalling that something of additional significance is likely to be present.

The literature also emphasises the commonly recognised 'blue-lighting' culture within police organisations and the psychological and physiological effects on an individual in a pursuit situation. These make it vital that officers have clear guidelines and training to ensure they have the necessary technical skills and decision-making ability to undertake pursuits safely and discontinue them where appropriate. The literature is also clear on the need for a sound infrastructure that incorporates professional supervision, management, oversight, and review of pursuit events.

Chapter three - the law

This chapter provides a brief analysis of various legal issues that impact on police pursuits, from the legal powers of police to stop vehicles to the legal restrictions, protections, and liabilities relevant to police driving. A critical point is that there is no blanket protection for police officers while driving and that a duty of care exists in all situations. In addition to issues such as the potential for police to commit traffic offences and be liable to charges of criminal negligence should proper care not be exercised, Police as an organisation also has health and safety obligations

towards both its own staff and to those affected by police activities.

The chapter also highlights a number of issues with both legislation and internal Police policy documents, identifying the need to address shortcomings in Police General Instructions and the potential for legislative amendments to increase penalties for failing to stop.

Chapter four - the nature of pursuits 1996-2000

In this chapter the review team uses three types of available information to present a picture of pursuits in New Zealand from 1996 to 2002 - all pursuits reported on the official *PURSUE form, all files of fatal pursuits, and an audit of a sample of pursuits where the offender was charged with dangerous or reckless driving. Whilst there were limitations to the *PURSUE data, the analysis provided a wealth of information that has not previously been available.

For example: there were 4,076 pursuits in the 7-year period, an average of 582 a year; most pursuit offenders have substantial criminal offending histories (the apprehended pursuit offenders over the 7 years had accumulated over 60,000 criminal convictions between them); the proportion of pursuits abandoned by Police has increased markedly since 1996 (with a corresponding decrease in offenders apprehended); road spikes are able to be deployed in very few pursuits; that 34% of pursuits involve damage (a crash of some form) to an offender's vehicle and 6% to a Police vehicle; and both Police and offender crashes are trending downwards.

Examination of the fatal pursuit files shows that these events involved offenders with criminal histories, and that the pursuits were relatively short, with no time to use tactics such as road spikes. The audit sample highlighted deficiencies in the provision of information from pursuing officers to Police communication centres, at least partly attributable to single-crewing, short pursuits, and crowded radio channels, although training and policy issues were also identified.

Chapter five - recent developments

This chapter examines developments since the Gibson report and specifically tracks progress against the recommendations of that review. The main finding of this chapter is that while there have been many changes to pursuit policy in this period, only increased driver training for recruits has been the direct result of the Gibson report. While some of the report's other findings in the area of legislation and vehicle specifications have effectively been implemented, there has been no action on the majority of report recommendations. This is particularly the case in the

area of road spikes, the increased use of which formed a key recommendation of the Gibson report.

Separate to the Gibson report recommendations, a potentially far-reaching shift in policy, training and practice has been under development for some time. Previously known as the Safe Driving Policy and now as the Professional Police Driving Programme (PPDP), this initiative would implement a driver and vehicle classification and assessment system similar to that used by other police organisations in comparable jurisdictions. Proposals to implement the PPDP are under development and form one of the recommendations of this review.

Chapter six - management of pursuits

This chapter examines issues around the management of pursuits, such as the role and responsibilities of both drivers and the Communication Centres. In particular, it highlights the critical shortcomings of current pursuit policy documents. For example, Police general instructions provide insufficient guidance to different groups and are in fact unclear and inconsistent. Resolving these issues is a recommendation of the review.

This chapter also discusses technology related problems and opportunities. There are major issues with radio congestion and reception, while Police Communication Centres lack ready access to crucial information such as the availability of road spikes and the locations of police units. Currently available technology provides an opportunity to address these issues, with devices such as automatic vehicle location, in-car video, and hands free microphones all having potential to greatly improve the conduct and management of these incidents. These are all presently under consideration and trials are planned or underway.

Chapter seven - drivers and vehicles

This chapter examines driver training and policy, and the pursuit capability of police drivers and vehicles. It sets out police driver training, which currently focuses on recruit training at the Royal New Zealand Police College. While this recruit training is equivalent to that delivered by many other Police organisations, New Zealand Police do not have the formal systems of ongoing training and assessment found overseas. While some districts carry out ad hoc training and there is a limited programme for members of the Highway Patrol and Commercial Vehicles Investigation Unit, there are no national standards or co-ordination. In addition to skill issues, anecdotal evidence indicates that some drivers do not advise Communications Centres of the full circumstances of a pursuit in case they are instructed to abandon pursuit, indicating that there may

also be issues with the attitudes of some police drivers. This chapter concludes that not all police drivers are capable of carrying out pursuit driving. In addition, approximately 25% of the police vehicle fleet is composed of four wheel drive or other vehicles unsuited to carrying out pursuits.

This chapter also discusses the proposed professional driving programme in some detail, setting out indicative classification systems for drivers and vehicles. If implemented, the programme will provide clear guidelines for vehicle and driver deployment and an ongoing programme to monitor driver capabilities. In essence, it will better enable Police to meet health and safety obligations to staff and the public by ensuring that only qualified staff in the appropriate vehicle engage in pursuits and urgent duty driving.

Chapter eight - conclusion and recommendations

The final chapter of the report concludes that most pursuits are short, essential and safe. It takes elements from previous chapters and uses them as the basis for recommendations. The review team approached the task of making recommendations by establishing that they must be concrete and measurable, should be prioritised and weighted, should be as few as possible, should not attempt to micro-manage implementation, and must add value.

Following these principles, the report makes eleven recommendations in total and prioritises them as urgent, medium-term and long-term. The first 3 recommendations are urgent and will result in immense change to the current pursuit environment and police driving generally. In short they require:

- the appointment of a member of the Police Executive to implement all decisions arising from the report

- the implementation of the Professional Police Driving Programme

- the immediate rewriting and dissemination of General Instructions and policy on pursuits and urgent duty driving.

The usefulness and success of the pursuits review rests on the implementation of these three recommendations, particularly the Professional Police Driving Programme. Pursuits do not happen in a vacuum. They arise in the context of policing as a whole, and can be seen as a particular kind of police driving. Whilst the review has shown that motor vehicle pursuits are relatively rare, and few end in death or serious injury, Police cannot afford to sit back. Action on police driving is needed now, and it should be decisive and far-reaching.

Recommendations

Urgent *(by 31 March 2003)*

Para	No	Recommendation
8.6	1	A member of the Police Executive should be charged with implementing the decisions which follow this report.
8.13	2	The Professional Police Driving Programme should be implemented now.
8.18	3	General Instructions and policy on pursuits and urgent duty driving should be rewritten and implemented forthwith.

Medium-term *(by 31 December 2004)*

Para	No	Recommendation
8.22	4	Trials of the following should be evaluated and followed up: • hands-free microphones • global positioning systems (automatic vehicle location) • in-vehicle videos.
8.23	5	All references to imperative and elective pursuits should be removed from documentation.
8.24	6	Introduce an event code for pursuits on the Computer Aided Dispatch database.
8.25	7	Review electronic form *PURSUE in the light of this report.
8.26	8	At all stages of training, basic driving skills and the experience and attitude required to carry out those skills in the policing environment should be considered separately.
8.27	9	Patrol car drivers and communications centre staff should receive regular training and practice in the techniques of radio communication during emergencies.

Longer term *(those which call for further research or reflection, or where Police are in no position to dictate timing)*

Para	No	Recommendation
8.29	10	Police should promote a legislative provision expressly to authorise the use of road spikes and similar devices.
8.31	11	The offences of failing to stop should be made punishable by imprisonment.

CHAPTER ONE - BACKGROUND TO THE REVIEW

Introduction

1.1 In late July 2003, the Deputy Commissioner Operations in New Zealand Police commissioned a review of police motor vehicle pursuits. He initiated the study in the wake of considerable media and public concern over two pursuits in 2003 that ended with three fatalities - one pursuit in Northland Police District (2 deaths) and one in Eastern Police District. These deaths occurred in a short space of time, and contrasted with just six deaths from pursuits in the previous seven years. Deputy Commissioner Steve Long sought an authoritative study to help the Police Executive assess the quality and adequacy of current pursuits policy and practice.

1.2 It was originally envisaged that the review would be an isolated piece of work. Early design work was carried out on that basis. Subsequent discussion made it clear that the pursuits review was but one component of a broader piece of work, which addressed police driving in general. The latter primarily involved progressing proposals for the implementation of a police driver classification and training system, and associated work on a police vehicle classification system (referred to in consultation in 2001/02 as the "Safe Driving Policy" and now known by the title of "Professional Police Driving Programme").

1.3 Some ambiguity arose over the relationship between these two projects, primarily through the need to separate the wider driving initiatives from pursuits. For these and other reasons it was agreed that the term "Enhanced Police Driving Project" would be used to refer to both elements. The project team progressed the two parts (outlined below) concurrently.

Figure One: Enhanced Police Driving Project

Part One: Develop a programme to enhance police driving that covers:

- a classification and certification system for drivers and vehicles
- training and instruction
- co-ordination and administration
- roles and responsibilities after a collision (including review processes)
- urgent duty driving and pursuits
- financial implications
- other resource implications

Part Two: Review the scope and adequacy of pursuits policy and practice within the context of:

- research (trends, audit, outcomes)
- Gibson Report recommendations and recent developments
- a review of international literature
- whether there should be limits on drivers and vehicles
- current pursuit management (including technology and equipment)
- relevant law / legal powers / legislative amendments

1.4 This report arises out of Part Two of the Enhanced Police Driving Project. The other part, the development of a system to incorporate the classification and certification of police drivers and police vehicles, is well advanced and a draft business case has been submitted to the Board of Commissioners. Consideration of the final version will occur in the near future. Subject to approval, work will begin on the full implementation plan soon after.

1.5 When the project team was directed to produce a proposal to develop a new driving programme, there was a clear understanding that Police was committed to major changes in this area. For this reason, the proposed Professional Police Driving Programme is mentioned frequently in several chapters and formed a crucial element of the thinking around the review of pursuits.

Aims

1.6 The overall aim of the review was to provide the Deputy Commissioner with a robust examination of all matters relating to police pursuits in New Zealand, to identify areas of concern, and to provide recommendations for future policy and practice. To achieve this aim, the review was to examine:

- international pursuit literature
- legislation and legal matters relating to pursuits
- outcomes and factors involved in pursuit activity in New Zealand in the period 1996-2002
- developments in the pursuits policy area in recent years

- current practices in relation to pursuit management
- current thinking in relation to police driving and driver training, and
- to provide recommendations for future pursuit policy and practice.

Project team

1.7 A project team was appointed to carry out the review. The team comprised:

Supt. Roger Carson	District Commander, North Shore/Waitakere/Rodney
Ms Mary Schollum (Project Manager)	Manager Strategic Planning and Evaluation, Road Policing Support (RPS)
Inspector Dave Parsons	National Advisor Road Safety and Training, RPS
Inspector John McClelland	National Advisor Operational Policy, RPS
Mr Cameron Bayly	National Advisor Strategy, RPS
Ms Michelle Gosse	Senior Research Officer, RPS
Mrs Stephanie Mayer	Project Advisor, RPS.

1.8 Apart from Superintendent Carson, who is a member of the Police Executive, all members of the project team are senior staff in the Road Policing Support Group in the Office of the Commissioner. They have a mix of policy and operational backgrounds and were assigned separate elements of the review. Their involvement was volunteered by Superintendent Steve Fitzgerald, National Road Policing Manager (NRPM).

1.9 The team was assisted by:

Ms Sarah van der Heyden	Research Officer, Road Policing Support
Mr Richard Castle	Consultant
Inspectors Scott Spackman and Brigitte Nimmo	Police Legal Services.

Reference group

1.10 A large number of police groups were invited to nominate a representative to participate in a review reference group. The final representatives were:

Inspector John Kelly	Operations Manager, RPS
Inspector Steve Bruce	Professional Standards, Office of the Commissioner (OoC)
Ms Lesley Wallis	Public Affairs, OoC
Inspector Brigitte Nimmo	Legal Services, OoC

Inspector John Fairley	Police District Representative (Eastern)
Sergeant Mike Fitzsimons	Police District Representative (Tasman)
Snr Sgt Marc Clausen	Operations Support, OoC
Inspector Bill Peoples	Crime Service Centre, OoC
Inspector Thomas Ireland	Communications Service Centre, Wellington
Snr Sgt Marty Edghill	Training Service Centre, RNZPC
Inspector Api Fiso	Office of Maori, Pacific and Ethnic Services, OoC
Mr Geoff Smith	Police Association
Mr Earle Cooper	Police Managers' Guild.

1.11 In addition to internal representation, the Deputy Commissioner Operations felt that the range of risks presented by pursuits and the level of public interest in these incidents called for external representation as well. A number of groups and organisations responded to the invitation to be part of the pursuits review reference group. They were:

Mr Chris Amon	Driving consultant
Mr Dave Bates	Transit New Zealand
Mr Jeff Cabral	Accident Compensation Corporation
Mr Phil Divett	Ministry of Justice
Mr George Fairbairn	Automobile Association
Mr Ross Gilmour	Gilmour Consulting Psychologists
Sir John Jeffries	Former Police Complaints Authority
Mr Andrew Justice (and Ms Karen Joyce)	Land Transport Safety Authority
Mr Leo Mortimer	Ministry of Transport
Mr John Roberts	Office of Police Complaints Authority
Mr Rob Scriven (and Rex Moir)	Occupational Safety and Health

1.12 Because this was basically an internal review, with a focus on internal policy and practices, the reference group members had differing levels of involvement. Generally speaking, members were invited to provide advice and expert input where appropriate, and to provide peer review of various components of the work undertaken by the project team.

1.13 Reference group members were provided with regular progress reports, copies of draft documents, and met as a whole on two occasions:

- 19 August 2003
- 17 November 2003.

Chapter outline

1.14 This report explores the contours of police pursuits, considering the subject as a whole despite its varied and disparate nature. It starts in chapter 2 with a comprehensive review of international 'pursuit' literature. Police pursuit driving has emerged as an issue of significant contemporary interest, both within public and professional fields. Attention particularly focuses on the inherent tension in pursuit activity: the duty to apprehend offenders while ensuring public safety. The chapter summarises the attempts to resolve this problem, concentrating specifically on the dominant themes existing within the pursuit research. This information helps set the scene and provides the reader with a context in which to compare the New Zealand findings.

1.15 Chapter 3 then gives a brief analysis of the relevant legal issues that needed to be considered as part of the wider review of police pursuits. The matters addressed in the chapter include: the powers of police to stop vehicles; the legal definition of a pursuit; the legal authority for police to initiate and continue pursuits; legal restrictions and liability for police driving; and legal and legislative responses to the recommendations of the 1996 'Gibson Report'.

1.16 Chapter 4 provides an analysis of the outcomes and factors involved in pursuit activity in New Zealand for the period 1996 to 2002. The analysis was conducted on data from all reported police pursuits, a selection of internal investigation files kept by Professional Standards (Office of Commissioner), and Police Complaint Authority reports into fatalities associated with pursuits.

1.17 In chapter 5 the developments in pursuit policy and practice within New Zealand Police since 1996 are discussed. That year saw the publication of the 'Police Pursuits Policy Report' known as the Gibson Report. This chapter therefore measures police progress on pursuits against the recommendations in that report. But beyond that it also describes a number of strands of development in pursuit practice and procedure, which arose independently of the Gibson Report and in a few instances ran contrary to it.

1.18 Chapter 6 examines current pursuit management. The matters addressed in the chapter include: the role and responsibilities of the police driver in the course of a pursuit; the role and responsibilities of the Police Communication Centres in the management of a pursuit; the use of technology by the Communication Centres when faced with the current pursuit environment; issues raised by the Communication Centres concerning the management of pursuits; and discussion on the future direction of pursuit management, particularly the use of technology.

1.19 The focus for chapter 7 is on driver training and policy in relation to urgent duty and pursuit driving by Police. The chapter also discusses the capability of police drivers and vehicles to engage in urgent duty or pursuit. It goes on to outline strategies that, if implemented, will ensure only suitably qualified drivers and appropriately categorised vehicles become involved in these activities.

1.20 Lastly, chapter 8 identifies elements from previous chapters that have provided an insight into police pursuits. It discusses these in terms of how they might influence future developments and makes recommendations.

Pursuits in perspective

1.21 The review team felt it appropriate to present some data to illustrate the nature and extent of policing in New Zealand. Although the report is about police pursuits, it is impossible to examine pursuits without considering police driving, and it is impossible to consider police driving without considering policing generally.

1.22 The main goals of New Zealand Police are to reduce crime and enhance community safety. These cannot be achieved without the use of vehicles. For example, police have to catch offenders, reach scenes of crime, work with victims, talk to witnesses, attend court to give evidence, stop motorists who are behaving dangerously, work with community groups and local authorities to solve crime-related problems, deal with young offenders and victims, prosecute cases, provide road safety education programmes, and so on.

1.23 Millions of contacts with the public are made each year. The following statistics provide an outline of police numbers and police activity for the 12 month period to 30 June 2003.

Table One: statistics from the 2002/03 Police Annual Report

Personnel

Total Police staff	**9,433**
Sworn staff	7,257
Non-sworn staff	2,176
Constables only	5,631
Sergeants only	1,052

Offences

Total offences	**447,146**
Violence	45,980
Sexual	3,312
Drugs and anti-social	56,866
Dishonesty	260,756
Property damage	42,057
Property abuses	21,706
Administrative	16,469

Incidents (non-offence situations)

Total incidents	**424,464**
Breakdown / blockage	15,873
Traffic incident	71,520
Vehicle collision	42,089
Alarm sounding	14,830
Car/person acting suspiciously	70,878
Domestic dispute	24,700
Other incidents	200,447

Services

Total services	**414,016**
Lost and found property	117,981
Missing persons	15,875
Liquor licensing	22,651
Arrest warrants	28,718
Summons	37,033
Other requests for service	191,758

Traffic offences and infringements
(does not include speed camera tickets)

Total	**992,995**
Drink drive offences	24,744
Speeding	364,179
Driving while disqualified	8,217
Certificate of fitness	100,761
Restraints	66,977
Drive licence offences	255,933
Other traffic offences and infringements	308,945

1.24 Other relevant statistics include the following :

Table Two: other traffic-related police contacts data for 2002/03

Warnings issued	909,437
Assistance to vehicles	303,610
Vehicles stopped at compulsory breath testing checkpoints	1,572,421
Vehicles seized and impounded (28 days)	10,925
Vehicles placed out of service	2,948

1.25 While by no means an exhaustive list, the above tables show over 5 million police contacts with the public (and many of course, such as offences, involve multiple contacts - victims, witnesses, offenders and the like).

1.26 In dealing with these interactions, police use a fleet of around 3,000 vehicles[1] and travel approximately 100 million kilometres per annum.

1.27 Taking the above statistics as a base, police signal a motorist to stop in around 3.5 million instances a year (mainly traffic offences and infringements, and other traffic-related contacts). The vast majority of motorists comply. In the 2002 year, 785 motorists did not comply and a pursuit occurred. This is 0.02% of instances or 1 in every 4,459 vehicles signalled to stop.

1.28 Thus, instances where police engage in the pursuit of offenders who fail to stop are extremely rare when seen in the context of overall traffic-related police contacts with the public. They are even rarer when seen in the context of the overall use of police vehicles. Engagement in a pursuit is by no means a weekly or even annual event for most officers.

1.29 However, when both pursuits and "urgent duty driving" (the need to respond to emergencies) are taken into account, it is clear that police driving can be highly dangerous and requires particular training and skills. These are the matters which are covered in this report.

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1 The fleet is a mixture of vehicle types, both marked and unmarked, therefore not all are suitable for pursuits.

CHAPTER TWO - THE WIDER PICTURE

Scope of this chapter

2.1 This chapter provides a review of the literature relating to the pursuit of offenders by police. Pursuit driving has attracted a good deal of attention both within policing and from outside. Some commentators see pursuits as a problem of competing demands, that is, the duty to apprehend those who break the law against the preservation of public safety. Others recognise the difficulty of apprehending offenders without putting the public safety at risk.

Background

2.2 In pursuit driving, police officers engage in the use of a potentially deadly force to bring about a community good (McGrath, 1991). Pursuits, therefore, embody the element that distinguishes police from all other citizens: the power to use legitimate force. This power entrusted by the public aims to assist the Police in effectively conducting their mandate of social control (MacDonald, 2001).

2.3 Policing tasks that arise in emergencies usually contain an element of social conflict. The public grants the Police the sanctioned potential to apply coercive force to deal with these situations where peacekeeping tactics fail. The distinctiveness of the police function, therefore, lies not in the performance of specific duties but in being the specialist organisation exercising legitimate force (Reiner, 2000). It is vital to recognise that this authority to use force is conferred upon the Police with the expectation that minimum force will be used. The public expects that the Police will perform their duties in a professional manner that does not inflict unnecessary harm. Given that police pursuits involve "the highest operational risk of loss of life" (Palmer, 2002), the implication of this thinking is that the public places confidence in an officer's expertise and knowledge, and also trust that their own safety will be afforded high priority.

2.4 These expectations epitomise the contrasting issues that have come to dominate the pursuit debate. The controversy that surrounds police pursuits involves the need to establish a balance between the benefits of the pursuit in terms of apprehension and the potential dangers in terms of risks to public safety (Alpert & MacDonald,

1998; Dunham et al, 1998; Alpert & Dunham, 1990). In this respect, the issue of pursuit driving poses an inherent dilemma in the delivery of police services (Britx & Payne, 1994).

2.5 International pursuit literature has aimed to deal with this problem by providing an empirical basis for the development of policies that balance these competing demands. Contemporary research has been led by a rising awareness of the potential danger of pursuits, emerging from an apparent increase in the prevalence of injuries and fatalities. With the increasing attention placed on pursuits, a simultaneous demand has evolved to understand its occurrence in the hope that this understanding will assist in the prevention of future injury or death.

Definition

2.6 To establish the boundaries in which international debate is conducted, it is important to define terms. In particular, it is vital to determine what a 'police pursuit' actually entails. There appears to be no standardised definition recognised by the majority of existing related research but a recent definition offered by an influential group is as follows:

"A police pursuit occurs when police attempt to stop the driver of a motor vehicle and the driver refuses to obey the officer, following which the police give chase for the purpose of stopping the fleeing driver." (Association of Chief Police Officers, 1989 cited in Lind, 1998, p10).

2.7 Whatever definition of a 'police pursuit' is used, initiation appears to be dependent on two requirements. First, a suspect attempts to flee the police and second an officer is prepared to pursue and apprehend.

Factors prompting the commencement of a pursuit

2.8 A significant proportion of international pursuit research has a two-fold focus of establishing both why officers decide to pursue and why offenders attempt to flee.

Initial reason for contact

2.9 According to various analyses, the major reasons that bring an offender to police attention prior to a pursuit starting are traffic violations or

property offences, including suspected breaking and entering, theft and possession of stolen vehicle offences. Canadian research conducted within British Columbia between 1991-1997 found that 40% of pursuits were initiated for suspected offences under the provincial Motor Vehicle Act, such as speeding, careless or erratic driving and general failure to obey traffic regulations. The remainder of pursuits were initiated after an attempt by police to stop an offender in relation to suspected Criminal Code offences. Most of those offences were related to property, particularly stolen vehicles (Ministry of the Attorney General, cited in Royal Canadian Mounted Police, 1999, p9).

2.10 One major study (Ministry of the Solicitor General and Correctional Services, cited in Royal Canadian Mounted Police, 1999, p9) found, when reviewing the criminal charges following the pursuit, that there were as many property-related charges as there were for dangerous or impaired driving (36%). Only 3% of charges following a pursuit were for serious violent offences such as homicide, kidnapping, and the like. These findings are consistent with other police pursuit statistics across both North America and the UK (Dunham et al, 1998; Best 2002). The available evidence suggests, then, that many individuals who flee police are not doing so immediately after committing a particularly serious criminal offence.

2.11 That said, research (eg Alpert et al, 1997; Brewer et al, 1990) does show that apprehensions resulting from pursuits often result in evidence of more serious crime, unrelated to the underlying violation that initiated the pursuit. Police officers are aware of this when making a decision whether to pursue.

Reasons for fleeing

2.12 Despite the pre-occupation in the literature with the original reason that brought an offender to police attention prior to a pursuit starting, it appears that this is largely irrelevant as it is the very act of failing to stop, or failing to remain stopped, that alerts the officer to something being amiss. Police routinely signal drivers to stop for all sorts of purposes and the vast majority of motorists comply. Officers are well aware that the tiny minority who do not stop, do so for a reason, and that reason is usually associated with them being known offenders (Rose, 2000; Dunham et al, 1998).

2.13 There is a large body of research that indicates some of the worst traffic offenders (including those who repeatedly fail to stop when signalled to do so) have significant records for 'mainstream' crime, including violence (eg Rose, 2000; Pearce et al, 2002; Soothill et al, 2002). And offenders who commit a range of 'minor' traffic violations, such as having an unregistered car and no warrant of fitness, are more likely to commit serious driving offences (Corbett, 2003; Broughton, 1999).

2.14 Dunham and colleagues (1998) conducted 144 interviews with individuals who had recent experience of being involved in a police pursuit. Of those interviewed in their study:

• 32% had tried to avoid apprehension as they were driving a stolen car

• 27% of were fleeing from a crime scene or to avoid arrest

• 27% said they were driving with a suspended licence, and

• 21% said they were running because they did not want to face the police under the influence of alcohol or drugs (Dunham et al, 1998; p37).[2]

2.15 While there are a multitude of apparent reasons for police deciding to pursue (including traffic violations), it is the act of failing to stop that is the true cause of the pursuit. The officer's decision to pursue is largely based on knowledge that the suspect's rationale for fleeing is usually for reasons more compelling than those that brought them to police attention.

Other factors influencing an officer's decision to pursue

2.16 Another focus of the literature has been to identify the various influences on an officer's decision-making processes. As mentioned above, the knowledge police officers have of the typical offender profile is a major influence. However, there are a further three broad categories of influence that tend to dominate the UK and US research, namely the effect of existing organisational culture, psychological processes and physiological changes.

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2 *This research is limited because it surveys only those who are successfully apprehended and, therefore, has no information on those who manage to get away.*

Organisational influences

Discretion

2.17 Pursuits are one demonstration of a conundrum in policing: how those called on most often to exercise discretion are those with least experience and knowledge to do so (van der Heyden, 1997). Most frontline police drivers are young constables. They carry a heavy responsibility. Society has given them extensive powers and the discretion to use those powers. Patrolling officers are the people in the field, who sometimes find themselves with a dangerous but stimulating scenario unfolding before them. They are heroes if they get things right but blamed if events go wrong. Small wonder that pursuits are not perfect. Frontline staff need support and clear directions to enable them to do a difficult job as well as they can.

Police culture

2.18 Early in their careers, police officers learn the unwritten rules. They become aware of what is valued as 'conventional wisdom' and many subtle influences guide their behaviour (O'Callaghan, 1996). Stories, legends, heroes and myths blend together into invisible yet potent forces that shape behaviour. They help reduce complex issues into simple dimensions. These forces create and reinforce what is known as 'police culture'. Constables come to understand these symbols, values, ideologies and assumptions and they operate as a guide to behaviour. This organisational cohesiveness affects the use of discretion and how officers interpret the limits of their discretion.

2.19 According to Donohue (1990), fighting crime and fighting crime quickly are two of the most significant of a range of police values. A quick, decisive response involving high speeds and a fleeing offender all represent an active commitment to the 'war against crime'. It is, therefore, not surprising that participation in pursuits represents an entrenched part of police culture, where the apprehension of the offender is considered worth the risk to public safety. In an occupation often characterised by mundane peacekeeping and routine administrative tasks, pursuits provide the action and excitement that officers expect from their work (Holdaway, 1983). To many officers, the crime-fighting

nature of pursuits constitutes what they define as 'real policing'. A pursuit, therefore, offers them an opportunity to put into practice their 'real' policing skills and to prove their ability.

2.20 It also represents one of the few opportunities in which a person can lawfully speed. According to Punch (1979, cited in Holdaway, 1983) it is not surprising that being an 'asphalt cowboy' may be more appealing to some officers than working as a community constable. Hollywood glorification of the high-speed chase in television and film has contributed to the development of a 'blue-lighting' police culture (Eisenburge and Cynthia, 1996).

Ethics

2.21 The effect that discretion and organisational culture have on the behaviour of police staff fundamentally affects compliance with policy. At essence, this is an ethical matter. Ethics define character, or custom within society and organisations such as the police. As an organisation that prides itself on being professional, police have an obligation to guide the conduct of their members and insist on ethical boundaries such as: the ends do not justify the means; 'mateship' must not protect police members from scrutiny or cover up for wrongdoing; and poor management must be exposed (van der Heyden, 1997).

Psychological influences: the "personal challenge"

2.22 A pursuit can act as a useful mechanism for instilling respect. The fugitive driver is redefined by the pursuing officer as one who challenges the very essence of the police role in crime control (Alpert & Dunham, 1990). Their flight is a slap in the face which if ignored will discredit the individual officer and the police service in general (Fyfe, 1989).

2.23 These attitudes are supported to some extent by research conducted by Falcone and colleagues (1992) in their study of Washington officers involved in pursuits. Most officers interviewed agreed that it became difficult to call off a pursuit. Many perceived a pursuit as a personal challenge requiring them to fulfil their crime fighting duty and catch the offender. Homant & Kennedy (1994) believed that all too often, this personal involvement in the capture of a suspect threatens the safety of the general public. Led

by a personal urge to reinstate authority, the pursuing officer views the chase as a matter of professional pride. The officer concentrates on "winning" and may forgo concerns of public safety (Homant & Kennedy, 1994, p116).

2.24 Dr David Best, head of research at the Police Complaints Authority, London, describes this influence as a 'red mist' descending on the officer (Best, cited in McGrath, 2003). It appears that by becoming so personally involved, an officer's judgement soon becomes clouded. This consequently affects the ability to make balanced decisions, ultimately causing officers to take undue risks.

Physiological influences: adrenalin

2.25 In addition to the organisational and psychological influences, a pursuing officer is also affected by physiological changes. Under tense and stressful situations the body goes into a form of overdrive. The sympathetic nervous system takes over from the parasympathetic system, stimulating the production of adrenalin (and other hormones) and ultimately changing the chemistry of the blood (New Zealand Police, 1996). The effect is a sharpening of awareness, an enhancement of certain bodily activities and a restriction of others. Blood fortified with adrenalin is directed towards the body's main muscle groups as if to prepare the body for a "fight or flight" as the case may be. The extreme physiological change severely affects an individual's ability to make balanced and accurate decisions (New Zealand Police, 1996). This has led to some jurisdictions (eg Victoria Police) requiring officers to stop their vehicles and physically get out of them when ordered to abandon the pursuit. This lessens the chance of an officer giving in to the urge to re-start a pursuit.

Profiles of those involved

2.26 Identifying characteristics that predict both negative and positive outcomes represent another focal point of international pursuit literature. This analysis is an important aspect in the development of effective pursuit policy, particularly in the formulation of training.

Offender characteristics

2.27 International research shows pursuits typically involve offenders with the following characteristics:

- male
- aged 20-24
- high blood alcohol content or affected by drugs
- unlicensed or disqualified from driving
- aberrant driving records and
- extensive criminal histories.

2.28 Self-report data from offenders interviewed in the 1998 study by Dunham and colleagues, showed that 42% were impaired with either alcohol or drugs when they attempted to flee. Best found an even higher rate of intoxication, with 56.3% of suspects being over the legal alcohol limit, while around one quarter of those tested were positive for cannabis (Best, 2002). Although, it must be noted that the Best study was of fatalities only.

2.29 Pursuit literature is consistent in finding that suspects involved in pursuits are largely male (Dunham et al, 1998; Alpert & Dunham, 1990; Brewer & McGrath, 1990; McGrath, 1991) and usually between the ages of 20-24 years (Dunham et al, 1998; Alpert & Dunham, 1990; Brewer & McGrath, 1990; McGrath, 1991). Such a profile consistently reflects the characteristics of those over-represented in traffic offending in general.

2.30 As for conviction histories, Best established that forty-five of fifty-one drivers for whom information was available had an average of 6.3 convictions each, indicating that this group was often criminally involved. A study conducted by Black in 1995 found that 88.2% of pursuit offenders had 3 or more arrests and 67.3% had four or more. According to that research, a suspect's involvement in a police pursuit is reflective of a wider criminal involvement: their flight is certainly not in isolation from other criminal activity[3].

2.31 Clearly, pursuits typically involve individuals who represent high risks on the road under every-day driving, let alone under the high speed and unpredictable conditions associated with pursuits. These offenders pose risks not

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3 Chapter 4 "the nature of pursuits" presents a similar profile of offenders involved in New Zealand pursuits.

only to themselves and to individual officers pursuing them but also to innocent third parties. Therefore, the pursuit debate should not preoccupy itself only with outcomes, but should additionally acknowledge the potential hazard to public safety from the offenders.

Police officer characteristics

2.32 Information on the characteristics of police drivers appears to be gathered far less consistently, possibly because the police vehicles are far less frequently involved in any pursuit collision and officers are seldom killed. The findings from a Home Office Report into death and serious injuries resulting from police vehicle accidents showed that police drivers had the following profile:

- 90% were male
- 86% were constables
- 41% were aged between 25 and 34 (Rix et al, 1997, piii).

2.33 From the research it appears that some authors believe an officer's gender and age are significant factors. For example, Alpert and Dunham (1990) found that young male officers had the highest probability of their chases resulting in negative results and the lowest likelihood of apprehension. From this, they concluded that the aggressive nature of young male officers is a characteristic that is not conducive to efficient and safe pursuits (Alpert and Dunham, 1990, p63).

2.34 Similarly, Corbett (2003, p148) argues that the prospect of a car chase undertaken within a macho context 'as part of the job' has a particular attraction for "inappropriately suited young men".

2.35 Yet most studies show that the profile of police officers found to be involved in police pursuits closely matches that for police officers as a whole (that is, male constables who are relatively young). This suggests that no conclusions about the part an officer's gender or age might play in pursuits should be drawn.

Public attitudes

2.36 In parallel with internal highlighting of pursuits, the literature has gauged public interest in the topic. It is widely acknowledged that community policing involves a partnership between police and communities to identify and find solutions to policing and community concerns, and that high-

speed pursuits are one such concern (Palmer, 2002).

2.37 However, research into perceptions has been rather limited, and raises some concerns, particularly around the questions asked of respondents. For example, Alpert and MacDonald (1998) conducted telephone interviews with 724 participants from the general public. Their results indicated overwhelming support for police to pursue when the offender had committed some serious crime, but this support diminished when the offence for which the pursuit was initiated was perceived as minor.

2.38 Given that research shows that many people who flee have serious criminal records, it seems misleading to ask the public to evaluate the necessity for pursuits based on the reason that brought the offender to police attention. Rather, questions about pursuits should expose respondents to the criminal and traffic histories of those who flee and ask whether they think it is the duty of police to pursue offenders in those circumstances.

Pursuit outcomes

2.39 A common approach of research is to analyse the damage that arises from police driving. Establishing the fiscal and social costs certainly assists in conducting a cost-benefit analysis of the effectiveness of the pursuit tactic. Before summarising the various outcomes of pursuit driving, it is important to note that while some figures may appear to be high, they may be the result of differing methodological processes. For example, various definitions are likely to have been used for defining what constitutes a 'crash' or an 'injury'. Making direct comparisons between overseas studies and between the overseas literature and the New Zealand experience is, therefore, problematic.

2.40 The potential danger of police pursuit driving is seen in the recorded damage it has already incurred in both fiscal and social costs. One study estimated that the cost of pursuits to Australian taxpayers is greater than $5 million per annum[4] (McGrath, 1991; p1). Police pursuit driving also results in direct and significant social

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4 *The report does not state how this figure was reached, and it is unlikely to be identical to the current Value-of-Life figures used in New Zealand.*

costs to the community. In the 18-month period 1 January 1990 to 30 June 1991, 20 Australians died as a direct result of police use of motor vehicles. Of the twenty fatalities, 18 occurred in pursuits (McGrath, 1991).

2.41   The United Kingdom presents a similar situation. A Home Office report published in 1997 looked at 770 serious injury and fatal police vehicle accidents between 1990 and 1993. Ninety-two people were killed, with 45% of these fatalities being caused by pursuits. Just over 1,000 people suffered serious injury, with approximately 39% of these injuries caused by pursuits (Rix et al, 1997). A Police Complaints Authority investigation reported by Best in 2002 established that the number of deaths from pursuits reviewed by the PCA had risen from 9 in the 1997/98 year to 30 in the 2001/02 year (Best, 2002).

2.42   Literature emerging from the United States has found that approximately 40% of pursuits conducted end in a crash (damage to one or more vehicles), over 20% result in an injury, and approximately 1% ended with a death (Dunham et al, 1998, p31). A report published by the Royal Canadian Mounted Police (1999) found that between 1991 and 1995, RCMP officers carried out 4,232 pursuits. Of these: 32% resulted in collisions, 14% resulted in injuries and 0.4% resulted in death[5].

2.43   Presenting figures in terms of collisions and injury rates assists the understanding of the dangerous nature of pursuits. However, it is often a distraction simply to define the problem of pursuit driving as merely one of crashes, injury and death. Although the amount of damage is clearly a concern, the real problem is the potential risk to which the public, the police and fleeing drivers and any passengers are exposed. According to McGrath (1991) a preoccupation with collisions overlooks the fact that every time a police car notably exceeds the speed limit, it constitutes use of a deadly force and must always be justified.

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5 As shown in chapter 4 ("the nature of pursuits") these percentages of pursuits involving a collision (between 32% and 40%) correspond closely with New Zealand pursuits.

Benefits of pursuits

2.44   While it is clear that pursuit driving has the potential to be one of the most deadly weapons in the police armoury, it is important to recognise and acknowledge the potential benefits. Only then can a critical cost-benefit analysis be conducted effectively. Much research has been concentrated on understanding why police see the pursuit as valuable.

2.45   Perhaps the most obvious benefit identified by the literature is the potential of a pursuit to effect an arrest. Research estimates between 70% and 80% of pursuits result in the capture of a suspect (Dunham et al, 1998; Brewer & McGrath, 1990). As mentioned earlier, apprehensions resulting from pursuits often result in evidence of more serious crime unrelated to the underlying violation that initiated the pursuit (Dunham et al, 1998; Alpert et al, 1997; Brewer & McGrath, 1990). Another possible benefit is the potential deterrent effect the pursuit provides. The theory of deterrence (Homel, 1987) suggests that swift and sure apprehension and punishment reduce the probability that a motorist will attempt to flee. The fact that the vast majority of motorists comply with an officer's signal to stop suggests that the theory is correct.

2.46   Research indicates, however, that deterrence does not work for many motorists with offending histories. For example, Dunham's investigation into offenders' experience of police pursuits showed that previous contact with the police positively influenced their decision to flee; that is they were more likely to flee. Furthermore, suspects who were previously chased and caught were nearly seven times more likely to be willing to take extreme risks to escape than suspects who had not been pursued before (Dunham et al 1998). In addition, suspects who thought about the punishment they would receive were five times more likely to take extreme risk to escape. This suggests that an offender's experience of sanctions imposed by the courts plays a part in the decision to flee.

2.47   Given the profile of those that flee, it is perhaps not surprising that they are as likely to be recidivists in this behaviour as they are in their general criminality. Pursuit has little deterrent value for this group, a comment that could be extended to the wider criminal justice system. However, because of the absolute rarity of pursuits, it is clear that pursuit is extremely

effective in terms of its deterrent effect on the wider community. This can be seen in the large number of offences detected through traffic stops, where offenders would have every incentive to flee if they believed they had a reasonable chance of success.[6]

Pursuit management

2.48 The controversy that surrounds police pursuits involves the need to establish a balance between the benefits of apprehension and the potential dangers in risks to safety (Alpert and MacDonald, 1998; Dunham et al, 1998). In this respect, pursuit driving points in opposite directions (Britx & Payne, 1994).

2.49 For example, the New Zealand Police mission statement requires members to "serve the community by reducing the incidence and effects of crime, detecting and apprehending offenders, maintaining law and order and enhancing public safety" (New Zealand Police, 2002; p1). On the one hand, police are sworn to enforce the law and apprehend offenders. At the same time, they are expected not to endanger the public. What action is to be taken when a situation demands that both these elements should be considered? To help a police officer in balancing these conflicting demands, a comprehensive pursuit policy is needed.

Pursuit policy

2.50 Research indicates that comprehensive, evidence-based policy is a vital component in the effective management of pursuits. It is particularly important to develop policy that incorporates opportunity for officer discretion and yet provides clear guidelines on best practice. Achieving this balance is vital as a police jurisdiction's pursuit policy directly affects the nature and extent of police pursuits conducted. For instance, when Ohama (USA) increased the permissiveness of their pursuit policy in 1993 to 'at the police driver's discretion', there was a 600% increase in pursuits (Alpert et al 1997).

2.51 In contrast, a limiting policy change in Miami Dade County (USA) in 1992 restricted the undertaking of a pursuit to only those cases involving violent felonies. This policy change

led to an 82% reduction within one year in the frequency of pursuits, with a commensurate reduction in injuries (Royal Canadian Mounted Police, 1999). Homant and Kennedy's 1994 study from seven US states supported these findings, concluding that in those states with the most permissive policies, officers were most inclined to pursue, while the more restrictive states had officers less inclined to pursue. Not surprisingly, the view is that pursuit policy directly affects pursuit prevalence.

2.52 However, these studies do not appear to take into account what is known about pursuits - that they are initiated by those who have good reason for wanting to evade the Police. Police officers know this, therefore it would not seem to be a matter of having a permissive or restrictive policy. Rather than try to dictate which pursuits should be initiated or supply a course of action to be applied to every pursuit situation, pursuit policy needs to provide a set of clear guidelines that assist police officers in making the most appropriate decision for the particular situation that confronts them (McGrath, 1991).

2.53 Commentators seem to agree that to be effective, pursuit policy needs to be developed on the basis of strong evaluation (eg Rix et al, 1997). Unfortunately, police pursuit policy has often developed from practice and custom without guidance from research (Alpert & Dunham, 1990; Kenney & Alpert, 1997). Previous studies have shown that research can provide a foundation to make decisions and procedures more effective. For example, studies on domestic violence that contradicted past police practice have brought about major changes that have greatly benefited the victims and served to hold offenders accountable (Sherman and Berk, 1984 cited in Alpert & Dunham, 1990). A study of pursuit characteristics can similarly provide both administrators and frontline officers with a basis to review current practice.

2.54 Research can also assist in evaluating the discretion being exercised. Analysis is important if policy is to be implemented effectively. When no strong policies or procedures exist, police officers use their discretion according to commonly accepted organisational attitudes and practices (Alpert et al, 1997; Homant and Kennedy, 1994).

2.55 A further important dimension to the development of a pursuit policy is to recognise the need to improve the manner in which police have traditionally responded to complaints and

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6 *The issue of sanctions imposed by courts in New Zealand, and the part this might play in repeat involvement in pursuits, is discussed more fully in chapter 3 ("the law").*

investigations. Policy must ensure that decisions are taken to meet challenges such as the one posed by the New Zealand Police Complaints Authority in 1996, when he observed that Police:

"..... are not yet prepared of their own volition to take the results of complaints against themselves for misconduct and neglect of duty, and investigations of incidents, as a resource for education and management of the service. Accumulated knowledge and experience is not used in its entirety, but is rather spread individually to each case, therefore dissipating a source of energy in quality management control. There is not yet a true shared responsibility towards a better police service."

Roles and responsibility

2.56 Good radio communications are a vital aspect of pursuit management. In recent years, western police forces have emphasised this aspect, particularly the coordinating and managing role of radio controllers and control room supervisors (Lind, 1998). Many commentators have identified the need for control room staff to receive training in pursuit management, but it appears that the amount and depth of this training varies considerably (Horner, 1995).[7]

2.57 Although the literature recognises that control room staff and police drivers both have responsibilities in relation to pursuits, there seems considerable debate over who has the ultimate responsibility for continuing or calling off a pursuit. The United Kingdom PCA Enquiry (Best, 2002, pi) is in no doubt about what should be done.

"... police continue to engage in too many pursuits that endanger public safety and ... the most effective way to reduce this is by increasing management control of the evolution of pursuits and reducing officer discretion about both initiating and continuing with pursuits".

2.58 The working group of the Association of Chief Police Officers (Lind, 1998, paragraph 8.5) sees it differently. Whilst recognising the heavy burden this places on police drivers, their report says: *" ... in the final analysis it is the driver who has the ultimate responsibility"* .

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[7] *In relation to New Zealand Police control rooms, the issue of pursuit management is discussed in depth in chapter 6 ("management of pursuits").*

Systems of support and accountability

2.59 It may be that supervisors hold the key to assisting an officer make balanced decisions when involved in pursuit driving (Alpert & Dunham, 1990; McGrath, 1991). They provide not only procedural direction but also a support structure independent of the emotional and often adrenalin-fuelled response of the driver. In the absence of a supervisor, officers are more prone to use their discretionary power (Alpert et al, 1997; Homant, 1993). That said, the majority of pursuits are over quickly and there is little time for a supervisor to become involved.

2.60 Many police forces have found a solution to this problem of monitoring an officer's driving behaviour and ensuring ongoing review and supervision, through video cameras in patrol cars (Eisenburge & Cynthia, 1996; Britx & Payne 1994; Alpert & Dunham, 1990). For many police services, using the on-board camera is a part of routine policing. Many of these services note the benefits of using the device. For example, an observational study of the South Yorkshire Police in the UK (Mawby, 2002) found that officers believed that the on-board video camera made their job less confrontational in that offending drivers were able to watch the video and see why they were at fault. They were less likely to question the propriety of the stop and fewer cases were contested through to court hearings. As well as providing an objective record of road policing (including pursuits), this electronic monitoring serves as a means of letting officers know their actions are being scrutinised.[8]

2.61 Evaluation of an officer's adherence to regulations is an area in which policy should aim to be comprehensive. According to McGrath (1991), departmental accountability systems are particularly important in holding officers (and supervisors) responsible for their decisions and actions. Effective policy needs to provide clear sanctions for those officers who deliberately choose not to follow the regulations. This type of enhanced accountability at all levels of the command chain can reduce the risk of dangerous pursuits (Britx & Payne, 1994).[9] Many overseas police jurisdictions have amended their pursuit policies in recent years to incorporate systems that allow robust oversight, management and review.

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[8] *Further discussion of the potential for use of in-car videos by New Zealand Police can be found in chapter 5 ("recent developments") and 6 ("management of pursuits").*

[9] *See chapter 7 ("drivers and vehicles") for a more detailed analysis of accountability systems.*

Technology

2.62 Research to date has shown that various technologies also offer the potential to assist in the effective management of pursuits[10] (Pursuit Management Task Force, 1998; Travis, 1996). Much of the development work has been directed at technology that might stop an offender's vehicle. The literature refers to a range of vehicle stopping devices, which usually fall into the three main categories of mechanical, chemical and electrical. Mechanical technology includes the use of tyre deflation devices, vehicle tagging systems (in which a radio frequency tag is projected into the fleeing vehicle) and retractable spiked barrier strips (Pursuit Management Task force, 1998; Travis, 1996).

2.63 While these technologies would certainly help to stop the fleeing vehicle, literature within this area has found that the practicality of using these devices in pursuit situations is far more difficult than it appears. A concluding remark of the Pursuit Management Task Force (1998) was that there is no magic solution in vehicle stopping technology.[11]

Training

2.64 A number of commentators claim that training needs to educate officers about the risks involved in high-speed pursuits (eg, McGrath, 1991, Alpert & Dunham, 1990). The main characteristics are that this training:

- is on-going
- is based on the empirical realities of the nature of pursuits
- improves the ability of officers to assess risks and make appropriate decisions, and
- ensures that officers understand the mechanics of driving and have the skills associated with effective technique.

2.65 With insufficient training, officers may be overly affected by psychological and physiological influences and may fail to recognise their limitations. Or they may be influenced by blue-lighting culture and involve themselves in pursuits inappropriately (eg, by conducting them

poorly or continuing them longer than they should). A study by the US National Institute of Justice (1996) found that participating in specialist pursuit training markedly changed officers' attitudes.

2.66 Lind (1998) recommended a driver training model centred on three national core courses: basic (training to fulfil a patrol function); standard (extends the basic training to include emergency responding and night response driving); and advanced (enables pursuits and high speed response driving). This type of training is to prepare officers not just for pursuit driving (which is a relatively rare event for most drivers), but urgent duty driving as well (which is a much more common occurrence). Evaluation to date has proved it to be effective, with approximately 86% of police forces in England and Wales having conducted a risk assessment of operational police driving (Cullen, 2000).

2.67 This type of ongoing and cumulative driver training is recognised as necessary to ensure both the safety of police staff and also the safety of the public. The Professional Police Driver Programme (PPDP) proposed by New Zealand Police provides an opportunity to incorporate a similar model of police driver training within New Zealand. It specifically incorporates dedicated pursuit training, an area that is in need of immediate attention.[12]

2.68 Compared with training available to other potentially lethal police actions, research indicates that driving does not receive enough training (Alpert et al, 1997; New Zealand Police, 1996; McGrath, 1991). And yet, as discussed earlier, a pursuit has the potential to be the most deadly weapon available to police.

2.69 Despite their potential danger, police motor vehicles are a necessary part of routine policing activities and are controlled by few restrictions (New Zealand Police, 1996; McGrath, 1991). The diagram below compares the level of training that motor vehicle driving receives with that associated with other potentially lethal police actions.

10 See chapter 6 for a more detailed analysis of a number of technologies.

11 See chapter 5 for more on the potential of technology to help with pursuits.

12 The proposed Professional Police Driving Programme is discussed in more detail in Chapters Six and Seven.

Table Three: POTENTIALLY LETHAL POLICE ACTIONS

	AVAILABILITY	LETHALITY	MAINTENANCE	UTILITY
FIREARMS	Restricted Access	Clearly Lethal	Regular Training	High Threats
BATON	Routinely Available	Potentially Lethal	Occasional Training	Moderate Threats
RESTRAINTS & HOLDS	Routinely Available	Potentially Lethal	Occasional Training	Moderate Threats
MOTOR VEHICLE	Routinely Available	Potentially Lethal	Limited Training	All Threats

Source: New Zealand Police: Police Pursuit Policy Report (1996) p 7.

2.70 The table indicates that in New Zealand, police vehicles are potentially lethal, used to address all threats, and are routinely available to officers with only limited training.

2.71 While there is a general understanding in the literature that police must have driving skills which exceed those of the general motoring public, and that in the case of pursuits the driving skills must far exceed those of the public (Lind 1998), some of the literature does recognise that high levels of driver training alone do not ensure a safe pursuit. According to Best (2002), virtually all of the drivers involved in the PCA study of 85 fatalities associated with UK police pursuits had been trained to at least a 'standard' level (the middle of the 3-tier classification system). Yet that research showed that the majority of crashes from pursuits occurred as a result of the offender's vehicle colliding with either a fixed object (such as a tree or fence) or with another vehicle or pedestrian.

Summary

2.72 This chapter has summarised some of the major findings from overseas pursuit literature. These include:

- pursuits start because an offender fails to stop when signalled by police to do so
- the major reason that brings an offender to police attention in the first place is most likely to be a traffic violation (RCMP, 1999)
- the reason that brought the offender to police attention is largely irrelevant because an officer's decision to pursue is influenced by the knowledge that offenders who fail to stop generally have serious traffic and criminal histories (Corbett, 2003)
- the most common reasons given by offenders for attempting to avoid apprehension include the fact they were driving a stolen car, were disqualified or were running from a crime scene (Dunham et al, 1998)
- three other broad categories of influence tend to affect an officer's decision-making processes during a pursuit: factors associated with the police culture (eg. the attraction of 'blue-lighting'); factors associated with psychological processes (that define the situation as a personal challenge); and physiological changes resulting in a 'fight or flight' adrenalin rush
- offenders involved in pursuits are typically young males, who are often under the influence of drugs or alcohol and have aberrant driving records as well as extensive criminal histories (Dunham et al, 1998; Alpert & Dunham, 1990; Brewer & McGrath, 1990; McGrath, 1991)
- although risk is attached, pursuit driving represents a valuable procedural tactic, particularly when an arrest is made, which is the case in approximately 70-80% of pursuits (Dunham et al, 1998; Brewer & McGrath, 1990)
- suspects who have been previously chased and caught are nearly seven times more likely to be willing to take extreme risks to escape apprehension (Dunham et al 1998)
- supervisors are a vital element in assisting an officer make balanced decisions when involved in pursuit driving (McGrath, 1991)
- enhanced accountability at all levels of the command chain can reduce the potential risk of dangerous pursuits (Britx & Payne, 1994)
- many police forces do not dedicate as much training to driving as to the use of other potentially lethal police actions (Alpert et al, 1997; New Zealand Police, 1996; McGrath, 1991)

- driver training alone does not ensure a safe resolution to a pursuit (Best, 2002)
- effective management of pursuits requires clarity around policy, roles and responsibilities, support and accountability, use of technology, and training.

Conclusion

2.73 The discussion presented in this chapter has highlighted a dilemma in police pursuits: the duty not simply to prevent and control crime but also to protect life and property. As this chapter has shown, international pursuit literature has aimed to resolve this problem by providing a basis on which to balance these two demands.

2.74 One way of doing this has been to explore the reason for the pursuit, presumably to see if it was "serious" enough to warrant the risks posed by the pursuit. This debate, however, appears misplaced and the research that concentrates on that area somewhat valueless. Whatever the reason for the offender coming to police attention, it is something more that makes the offender not comply with a signal to stop.

Most offenders who flee have extensive records and have good reason for wanting to evade apprehension. From experience police know that the vast majority of the population comply with a signal to stop, and therefore suspect that something crime-related has led to the decision by a small number to flee.

2.75 However, high-speed pursuits are a high-risk form of operational policing and need adequate procedural controls. The research is clear on the features of safe and effective pursuit management: there needs to be unambiguous policy to guide decision-making; strong support and supervisory systems; clear lines of accountability; appropriate use of technology; and advanced and ongoing driver training. Basically, police must accept that the implementation of all these features will put officers under scrutiny - and rightly so. Only when these elements have been incorporated will the potential danger of pursuit driving be effectively controlled.

CHAPTER THREE - THE LAW

Scope of this chapter

3.1 This chapter provides an analysis of some of the law surrounding police pursuits. The matters addressed in the chapter include:

- the powers of police to stop vehicles
- legal definition of a pursuit
- the legal authority for police to initiate and continue pursuits
- legal restrictions and liability for police driving
- offences for failing to stop for police
- appropriateness of penalties for failing to stop
- control and abandonment of pursuits
- authority to exceed speed limits, and
- legal and legislative responses to the recommendations of the 1996 Gibson Report.

Background

3.2 This chapter is not intended to provide an exhaustive analysis of legal issues relevant to vehicle pursuits. In particular, legislation is not cited in its entirety and the legal issues canvassed in the Gibson Report are not repeated in any detail. Nevertheless, this chapter is intended to give the reader a brief analysis of the relevant legal issues that need to be considered as part of the wider review of police pursuits. The chapter concludes by recommending amendments to legislation and Police General Instructions.

Powers of police to stop vehicles

3.3 The legislative provisions authorising New Zealand to stop vehicles are set out in the Land Transport Act 1998 and the Crimes Act 1961. The relevant section of the Land Transport Act is as follows:

- Section 114(1) - Power to require driver to stop and give name and address, etc - empowers a police officer in uniform, or in a vehicle displaying flashing lights and sounding a siren to stop a vehicle to exercise any power conferred by the Land Transport Act.

3.4 The relevant sections of the Crimes Act are:

- Section 314B - General power to stop vehicles - provides Police with a power to

stop vehicles for the purpose of conducting a search. This section confers a broad power to stop vehicles for the purpose of exercising a statutory search power or to search pursuant to a warrant.
- Section 317A - Power to stop vehicles for purpose of arrest - empowers Police to stop a motor vehicle if there are reasonable grounds to suspect that a person in the vehicle is unlawfully at large or has committed an offence punishable by imprisonment.
- Section 317B - Roadblocks - empowers Police to establish a roadblock and to stop vehicles at or in the vicinity of the roadblock.

Legal definition of pursuit

3.5 Neither the Crimes Act nor the Land Transport Act defines the word "pursuit". However, 'pursuit' is described in General Instruction ('GI') V002 as follows.

"A pursuit exists when the driver of a motor vehicle knowing that they are being signalled by a police officer to stop, fails to stop, takes deliberate action to escape apprehension and Police commence action to pursue the escaping vehicle."

3.6 This is similar to the definition offered by the Association of Chief Police Officers in 1989 (see chapter 2, para 2.6). The key ingredients of a pursuit are the intention by one party to flee or try to escape and the intention by another party to pursue and apprehend.

Legal authority to initiate and continue pursuits

3.7 Police may seek to stop a vehicle where there is a statutory power to do so (see above). If a vehicle is signalled to stop and makes a deliberate decision not to, Police may lawfully initiate a pursuit. If as a result of the pursuit, Police exceed the speed limit or fail to comply with traffic signals, there are defences provided for in the Transport Act 1962 and Traffic Regulations 1976 (see below).

3.8 The practice and policy for vehicle pursuits are provided for in General Instructions V001-V013, D061 and the Urgent Duty Driving Interim

Policy. Urgent duty driving is the type of driving required of police officers when responding to an emergency. It differs from pursuit driving in that the officers know where they are going, but it requires much the same type of skills, knowledge and experience. For that reason pursuits are considered a sub-set of the urgent duty driving policy.

3.9 The decision whether or not the pursuit should be initiated or continued ought to be informed by the circumstances of the case and in consultation with the Police Communications Centre supervisor, immediate supervisor or other controlling officer. This is because the circumstances may dictate that a pursuit is not justifiable either at the point of possible initiation of the pursuit, or as events unfold. Relevant factors that will affect the decision include the offence for which the vehicle stop was attempted, environmental factors (weather, traffic, pedestrians, road type and the like) and the manner and speed of driving by the offender.

3.10 Although there is some protection from liability in urgent duty driving situations, police officers are still under a duty of care that requires the pursuit to be constantly assessed to ensure that it is appropriate to continue. A breach of a duty of care may have legal consequences. (see below).

3.11 The reasonableness of the pursuit will always be assessed in light of the particular circumstances.

Legal restrictions and liability for police drivers

3.12 There are a number of ways in which police driving could result in legal consequences. These are covered in brief below.

Exceeding speed limit or breaching road rules during urgent duty driving

3.13 There is some legal protection provided for emergency service providers who need to drive in urgent duty situations. The specific provisions are set out in para 3.52 of this chapter. However, it is important to note that, despite police drivers being provided with defences, they are not exempt from a duty to take care. See *South Australian Ambulance Transport Inc v Wahlheim* (1948) 77 CLR 215 and also *Gaynor v Allen* [1959] 2 QB 403, where a similar provision in England was held not to affect a police driver's liability for negligence nor affect a police driver's liability for dangerous or careless driving. Nor

are there any exemptions in New Zealand for police officers who are found to drive recklessly, dangerously or carelessly when on duty.

Lack of care and criminal negligence in the criminal law

3.14 Sections 155 and 156 of the Crimes Act (duty of persons doing dangerous acts and duty of persons in charge of dangerous things) could also apply to pursuits by Police. These sections create a legal duty to take reasonable precautions and care in circumstances in which a person is responsible for something which may endanger life, for example a vehicle. Sections 155 and 156 conclude by stating that a person "is criminally responsible for the consequences of omitting without lawful excuse to discharge that duty".

3.15 The absence of a lawful excuse is an express requirement for criminal responsibility by virtue of the duties in sections 155 or 156. Although a police pursuit could be viewed as a lawful excuse, this protection only exists up to the point where the pursuit is reasonable.

3.16 Criminal liability pursuant to section 145 of the Crimes Act (criminal nuisance) will attach if a person does any unlawful act, or omits to discharge any legal duty, where such act or omission is one that he or she knew would endanger the lives, safety or health of the public or any individual. The decision to initiate a pursuit, particularly one that may involve breaching traffic safety laws, is clearly something that is potentially dangerous to the lives, safety and health of the public. Therefore, if the circumstances giving rise to the pursuit do not justify such a course of action and the police officer concerned conducts the pursuit in a manner that s/he knows is dangerous, the officer may commit an offence of criminal nuisance, in addition to any other possible traffic offences.

Excessive force

3.17 Section 39 of the Crimes Act relates to the use of force in executing a process or arrest. The section extends protection from criminal responsibility to a person who uses reasonable force necessary to overcome force used in resisting the execution of the process or arrest. This protection from liability is tempered by section 62 of the Crimes Act, which states that everyone authorised by law to use force is criminally responsible for any excess force used.

3.18 A pursuit on its own would not appear to be a 'use of force'. In contrast, the act of forcing a vehicle off the road or forcing it to stop, for example, by means of a moving block or road spikes, would be a 'use of force'.

Health and Safety in Employment Act 1992

3.19 The Health and Safety in Employment Act 1992 (HSE) focuses on the prevention of harm to any person arising out of work activities. The Act creates legal obligations on a number of parties.

3.20 The general duties for employers [in this instance the Commissioner of Police], is that they will take all practicable steps to ensure the safety of employees whilst at work.

3.21 Specific duties for the employer include s.13, which deals with supervision and training. It imposes a duty on the employer to ensure that every employee either has supervision or is so supervised, as to ensure the employee is not likely to cause harm to themselves or other people. Also, that the employee is adequately trained in the safe use of plant [in this case the police vehicle], objects, substances and protective clothing and equipment that the employee may be required to use or handle.

3.22 There are other specific duties, including a requirement under s.7 for employers to systematically identify and actively manage hazards in the workplace and ensure that people are not harmed as a result of work activities, such as a pursuit.

3.23 Employees (s.19) themselves also have a duty to take all practicable steps to ensure they are safe while at work and that no action or inaction by them causes harm to any other person.

3.24 These HSE obligations are relevant to police pursuits as the HSE Act now clarifies that the coverage extends to mobile workers. Failure to comply with the HSE Act could result in a prosecution being brought by the Department of Labour or, if they decide not to prosecute, then a private prosecution may be instigated. Both the employee and the employer are potentially liable for prosecution.

Civil liability

3.25 It may be possible for civil actions to be brought against the Commissioner or members of Police as a result of pursuits that end with injury or death to people or damage to property. So far as is known, no civil action has been taken against Police in respect of vehicle pursuits. This may be because of the statutory bar on personal injury proceedings under accident compensation legislation, or because there are alternative means for seeking redress.

3.26 Nor should it be forgotten that the Commissioner is vulnerable to civil action by his own staff if he fails to exercise his duties to them as employer.

Internal disciplinary action

3.27 A police pursuit that does not comply with legal requirements and internal policy may also result in police internal disciplinary action. This will vary, depending on the excessiveness of the action and the seriousness of the consequences.

Offences for failing to stop for police

3.28 The offences and penalties for failing to stop for police are outlined below.

Land Transport Act 1998

3.29 Section 114(6) provides that an enforcement officer may arrest a person without warrant if the officer has good cause to suspect the person of having failed to comply with a direction to stop under s114.

3.30 Pursuant to section 52(1)(c) any person who fails to comply with any lawful direction imposed under the Land Transport Act is subject to a maximum penalty on conviction of $10,000.

3.31 Schedule 2 of the Land Transport (Offences and Penalties) Regulations 1999 also specifies that a failure to stop on request for Police also attracts 35 demerit points.

Crimes Act 1961

3.32 Section 314D(1) states that every person commits an offence and is liable on summary conviction to a fine not exceeding $1000 who, without reasonable excuse, fails to stop as soon as is practicable when required to do so under s314B.

3.33 The offence is the same under s317AB for persons who fail to stop when required to do so under s317A.

Appropriateness of penalties for failing to stop

3.34 In October 2003 submissions were drafted in response to the proposed amendments to the

Sentencing Act 2002. Police submissions covered a proposed amendment to sections 128 and 129 (the courts' discretionary and mandatory vehicle confiscation options). The thrust of the submissions was that failing to stop should be included in the schedule of offences for sections 128 and 129. These changes were seen as one way to increase the possible consequences for drivers who do not stop for police.

3.35   Section 128 of the Sentencing Act says that if a person commits an offence against the following provisions of the Land Transport Act, the court has a discretion (subject to certain considerations) to confiscate and sell the vehicle:

- Section 35(1)(a) - reckless driving
- Section 35(1)(b) - dangerous driving
- Section 36A(1)(a) - racing, unnecessary exhibition of speed or acceleration
- Section 36A(1)(c) - sustained loss of traction
- Section 38(1) - careless driving causing injury or death
- Section 39(1) - aggravated careless use of a vehicle causing injury or death
- Sections 56 to 60 - drink driving provisions.

3.36   The mandatory confiscation provisions in section 129 apply where an offender commits a second offence within 4 years against the Land Transport Act sections noted above, and also includes offences of drink driving causing death or injury. It was felt that a pursuit situation, which can easily injure or kill someone, should be at least on a par with these offences.

3.37   The Ministry of Justice did not accept the submissions as it did not agree that the offence of failing to stop was of the same degree of seriousness as the other offences listed in the schedule, particularly as government had made failing to stop a fine-only offence.

3.38   Further submissions were provided defending the Police position. However, the Ministry determined in retrospect that Police submissions were really about the general need to increase the penalty for failing to stop.

3.39   Police have consulted with the legal co-ordinator at the Land Transport Safety Authority and with the legal and policy teams at the Ministry of Transport. Neither agency had a definitive view of the matter. For that reason Police submissions have not been taken further.

3.40   Although this seems like a missed opportunity, it did provide a means to canvass opinion on the consequences for failing to stop. As the Ministry of Justice indicated, the sanction for failing to stop is something that should be visited from a holistic perspective rather than by an ad hoc approach. Good arguments can be made for increasing the penalty (for example, by making the offence punishable by imprisonment) to better reflect the seriousness of the offending and the general profile of those who fail to stop. Thought should be given to how this could be done.

3.41   There is also a prospect of ensuring consistency of penalties for the offences of failing to stop under the Crimes Act (maximum fine $1000) and the Land Transport Act (maximum fine $10,000).

Control and abandonment of pursuits

Primary responsibility for pursuits

3.42   Police General Instructions do not clearly identify who is in charge of a pursuit. For example, General Instruction V004(1) states that the primary responsibility for the initiation and conduct of a pursuit rests with the police officer driving the primary pursuing patrol vehicle. General Instruction V002 states that the controlling officer is the dispatcher or communications centre supervisor, or the officer's immediate supervisor. Additionally, General Instruction D061A(2) states that when notified of a pursuit the supervising non-commissioned officer on duty at the control room or watch house must take charge of the pursuit and inform the pursuing driver of the fact.[13]

3.43   This contradiction between the General Instructions needs to be rectified so that it is clear who has primary responsibility for authorising and directing pursuits. Lines of accountability need to be both set down in policy and communicated to all staff.

3.44   An unclear policy or process with blurred lines of responsibility does not comply with Police obligations under section 2A of the Health and Safety in Employment Act. An unclear policy would undoubtedly attract the interest of the

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13   This issue is discussed in greater detail in chapter 6 ("management of pursuits") paragraphs 6.10 - 6.18.

Department of Labour should it investigate a police pursuit for prosecution under that Act.

Directive to abandon pursuit

3.45   There is some suggestion that police officers are not always abandoning a pursuit when directed to do so by the Communications Centre. Similarly, an additional unit may still be continuing a pursuit even though the prime pursuer has been directed to abandon it. Neither situation is tenable.

3.46   In practical terms a pursuit will be abandoned if upon evaluation of the circumstances it is considered that the pursuit poses excessive risk. The order to abandon the pursuit must be stated unequivocally, and be understood to be clearly directed at all police vehicles involved in the pursuit, not just the primary unit.

3.47   To reinstate a pursuit may result in inflaming what has already been deemed a dangerous situation. Police should, therefore, provide clear guidelines around when, if at all, a pursuit should be reinstated. General Instructions should direct that any unit that sights the fleeing vehicle after the pursuit has been abandoned must contact the person in authority to seek directions on whether it is appropriate to attempt to stop the vehicle. Of course, they must be clear who that person is.

Authority to exceed speed limits

3.48   Police are provided with certain exemptions from speed limits, traffic signals and give way rules when they are engaged in urgent duty driving. Although statutory defences are available they are not absolute and do not exonerate police drivers from a continuing duty to take care.

3.49   Although legislation does not provide a speed limit for police (or other emergency providers) when driving on urgent duty, Police have an interim policy that sets out required standards and permissible speeds. This urgent duty driving interim policy is problematic because it contains a number of inconsistencies and exceptions.

3.50   For example, the definition of urgent duty driving in this interim policy has unintentionally excluded pursuits arising out of traffic stops. If, however, a police driver initiates a pursuit arising out of an attempted vehicle stop for a traffic offence, it is highly likely that the urgent duty driving interim policy would still be used as an upper bench mark for assessing the reasonableness of the driving, with the police driver having to further justify the decision to initiate the pursuit.

3.51   As can be seen elsewhere in this report in relation to General Instructions (particularly chapter 6 "management of pursuits"), urgent consideration should be given to addressing the gaps and inconsistencies in the interim policy. The current wording is confusing and unacceptable.

Legal protection

3.52   The following provisions provide some legal protection for police when undertaking urgent duty driving -

Section 53(b) Transport Act 1962 - speed limits

"It shall be a defence to any person charged with driving a motor vehicle at a speed in excess of any speed limit fixed under this Act or under any other enactment or under any bylaw, if he or she proves that at the time of the offence he or she was driving a motor vehicle ... conveying a constable or traffic officer in the execution of urgent duty, if compliance with the speed limit would be likely to prevent or hinder the execution of that duty."

Regulation 21(11)(c) Traffic Regulations 1976 - speed limits

"It shall be a defence to any person charged with an offence against this regulation if he proves that he or she was, at the time of the act in respect of which he or she is so charged, the driver of a motor vehicle ... used by a traffic officer or police officer engaged on urgent duty if compliance with the speed limit would be likely to prevent the execution of his or her duty."

Regulation 18(2) Traffic Regulations 1976 - places controlled by traffic signals

"The driver of a motor vehicle, while displaying a flashing blue or red light or flashing blue and red lights or sounding a siren, shall be deemed to have complied sufficiently with the instructions deemed to be given by traffic signals if he or she reduces the speed of the vehicle so as not to exceed 20 kilometres an hour and then proceeds on his or her course, taking due care to avoid a collision with pedestrians and other traffic."

Regulation 9(5) Traffic Regulations 1976 - give way rules

"A driver using an approved siren or a red (or blue) flashing or revolving light under the authority of these regulations may enter and cross an intersection at a speed not exceeding 20 kilometres an hour taking due care to avoid a collision with other traffic."

3.53   Accordingly there are statutory, regulatory and policy provisions that set firm guidelines around the standards of driving - in particular, the circumstances that would justify non-compliance with road rules, and what sort of breach would be deemed to be justifiable.

Legal and legislative responses to the recommendations of the 1996 Gibson Report

3.54   The Gibson Report made a number of recommendations on legal issues. Those recommendations and comments in respect of them are outlined below:

"We recommend that legal consideration is given to advancing appropriate amendment to legislation to allow the Police to take without warrant a vehicle for forensic inspection." [14]

3.55   Police supported this recommendation and advocated a section to be included in the Land Transport Act, which was the earliest possible opportunity available for enacting such a provision.

3.56   Section 123 of the Land Transport Act 1998 accordingly authorises Police to seize and impound a vehicle for up to 7 days (this period may be extended by a District Court judge) to preserve evidence (or to enable a scientific examination of evidence) if there are reasonable grounds to believe the driver of the vehicle has failed to stop in contravention of s114.

3.57   There is no equivalent in the Crimes Act to section 123 of the Land Transport Act. There are several options available to Police in such circumstances, including seizing the vehicle:

- pursuant to arrest
- pursuant to the consent of the true owner (if stolen, or
- pursuant to a search warrant.

3.58   Although an equivalent section to s123 of the Land Transport Act would be ideal in the Crimes Act, its absence does not at present cause difficulty. Without evidence of difficulty it does not seem necessary for Police to seek legislative amendment.

"We recommend that immediate advice as to the identity of a driver is advanced by legislative amendment as quickly as possible." [15]

3.59   Police again supported this recommendation and asked for a section to be included in the Land Transport Act.

3.60   As a result, subsection 118(4) of the Land Transport Act was included. This subsection says that if a vehicle has been used to flee a police pursuit, a police officer may request the owner of the vehicle to give all information in his or her possession or obtainable by him or her, which may lead to the identification and apprehension of the driver. This information must be provided immediately upon request. The section does not apply if the owner has been arrested or detained in relation to the suspected offence.

"We recommend that legal advice is taken to consider where necessary whether the present statutory provisions are wide enough to cover pursuits which may occur, often we have found, from small beginnings such as a vehicle's lights not displayed." [16]

3.61   From the discussions in the Gibson Report it appears that the concerns in this recommendation related to whether the use of

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14   *New Zealand Police (1996) Police Pursuits Policy Report, p61.*

15   *New Zealand Police (1996) Police Pursuits Policy Report, p60.*

16   *New Zealand Police (1996) Police Pursuits Policy Report, p65.*

road spikes or a moving block was lawful. It is clear that the use of a moving block would be a use of force for the purpose of s39 of the Crimes Act. Legislative reform is therefore unnecessary in relation to that manoeuvre, which in any event has been abandoned as a standard tactic.

3.62 There does, however, remain some uncertainty about the legality of the deployment of road spikes on a road. While justification for this may rest with the common law, namely that police may interfere with the rights of passage of others in order to avert a threat to life or property (Police v Amos [1977] 2 NZLR 564), it is recommended that legislative amendment be sponsored.

Conclusion

3.63 This chapter has given a brief analysis of the relevant legal issues that have been considered as part of the wider review of police pursuits. The matters addressed in the chapter have included the powers of police to stop vehicles; the legal definition of a pursuit, the legal authority for police to initiate and continue pursuits, legal restrictions and liability for police driving, and legal and legislative responses to the recommendations of the 1996 Gibson Report.

3.64 It is clear that amendments should be made to General Instructions so it is clear who has primary responsibility for authorising and directing pursuits, and when a pursuit may be reinstated following a directive to abandon the pursuit.

3.65 It is also necessary to deal with the urgent duty driving interim policy to clarify its application when a police officer is pursuing a person for a traffic offence (removing the words at Section 2 (2)(c) "...in circumstances other than pursuit.") and also to clarify the contradiction between 4.2.2 and 4.2.3 of the policy.

3.66 Lastly, it is suggested that legislative amendment be sponsored for the Crimes Act and Land Transport Act to align the penalties for the offences of failing to stop and also make them punishable by imprisonment, and expressly authorise the use of road spikes and other similar devices.

CHAPTER FOUR - THE NATURE OF PURSUITS 1996 - 2002

Scope of this chapter

4.1 This chapter provides an analysis of information relating to the outcomes of, and factors involved in, police pursuit activity in New Zealand for the period 1996 to 2002. The analysis was conducted on data from all reported police pursuits, a selection of internal investigation files kept by Professional Standards, Office of the Commissioner, and Police Complaint Authority (PCA) reports into fatalities associated with pursuits.

4.2 The aims of this chapter are to:

a) identify the number of pursuits over the period of analysis

b) identify general trends in pursuits - timing, duration, apprehension of offenders, and pursuit abandonment

c) examine the effectiveness of additional pursuit tactics, such as the use of road spikes

d) provide an overview of the characteristics of offenders engaging in pursuits

e) provide an overview of the characteristics of police officers engaging in pursuits

f) summarise the accuracy of police officer commentary to police communications centres during pursuits, and

g) describe the key features of pursuits that have resulted in a death.

4.3 The chapter is structured so that each of these aims is covered in turn.

Background

4.4 Section 9 of the "Police Pursuits Policy Report" otherwise known as the Gibson Report (1996), provided a statistical analysis of police pursuits conducted between November 1992 and December 1995. This chapter of the current review of police pursuits closely examines pursuits that have occurred between the Gibson Report and the latest full calendar year available, that is the 7-year period between January 1996 and December 2002.

4.5 The chapter contains the findings from three, inter-related studies:

Study A: statistical analysis of 1996-2002 data from the electronic pursuit reports submitted by each primary pursuing officer after a pursuit is conducted (aims a to e)

Study B: a random audit of prosecutions files, where the offender was being charged with dangerous or reckless driving after the pursuit end, from July 2002 to September 2003 (aim f), and

Study C: an analysis of the complaints files, including Police Complaints Authority reports, of all deaths arising from pursuits over the period 1996-2002 (aim g).

4.6 Study A resulted in a huge amount of statistical information, but limited space precluded much of it from being used in this report. However, the summary presented in this chapter is considered sufficient to support the conclusions drawn.

Study A: All pursuits 1996-2002

Goal

4.7 The goal of Study A was to statistically analyse all pursuits reported by New Zealand Police over the 7-year period 1 January 1996 to 31 December 2002.

Method

4.8 The process for recording pursuits is as follows.

- The lead (primary) pursuit officer is required to complete an electronic pursuit report of the incident - known as *PURSUE (see Figure 1).

- A computer in RPS automatically prints out a paper version of that report.

- The paper version is manually entered into the Excel database maintained in Road Policing Support (RPS), Office of the Commissioner.

Figure 1. Screen snapshot of the *PURSUE electronic report screen.

Limitations

4.9 There are several factors that must be taken into account when interpreting the results of the study:

- if some pursuits are not officially reported there could be a reporting bias in the police system, with recorded pursuits somehow different from those that are unrecorded

- the electronic pursuit report has no compulsory fields and the fields accept inappropriate content (such as the date field accepting text), and there are only fixed-choice options (e.g. Yes/No) available (which can restrict the range of possible responses)

- "response errors" may have occurred during the process owing to officers recording information incorrectly; time constraints meant that the information on each incident had to be accepted as accurate and final

- generalising survey results ignores the effect of local variables.

Results

Number of pursuits

4.10 As shown in Table Four, there were 4,076 reported police pursuits in the 7-year period 1 January 1996 to 31 December 2002. This represents an average of 582 pursuits each year, or 1.6 pursuits per day. The 785 reported pursuits for 2002 amounts to an average of 2.2 a day.

Table Four: Number of police pursuits per year, 1996 to 2002.

Year	No. of pursuits
1996	446
1997	554
1998	546
1999	491
2000	586
2001	668
2002	785
TOTAL	4,076

Days on which pursuits occurred

4.11 Saturday was the most common day, with 20% of all pursuits occurring on this day. This pattern has been stable over the years in the period of analysis. The proportion of pursuits for each day of the week is shown in Table Five below.

Table Five: Number and percentage of all pursuits in relation to day of the week (1 January 1996 to 31 December 2002).

Day of the week	No. of pursuits	Percentage of all pursuits (%)
Monday	410	10
Tuesday	500	12
Wednesday	451	11
Thursday	585	14
Friday	678	17
Saturday	802	20
Sunday	650	16
TOTAL	4,076	100

Time of pursuits

4.12 The most common time for pursuits was the 6-hour period between 10pm to 4am, when 48% of all pursuits occurred. In contrast, the least likely time for a pursuit to occur was in the hours of daylight, particularly the 2 hour period between 2pm and 4pm, when no pursuit occurred and the 2 hour period between 6am and 8am, when only 2% of pursuits occurred.

Reasons for initial signal to stop

4.13 When completing an electronic pursuit report, officers are required to enter the "reason for start of pursuit". In 11% (451) of cases, the officer recorded that pursuits were initiated because the offender "failed to stop" or "failed to remain stopped" with no further details provided. As shown in chapter 2 "the wider picture"), this is correct as all pursuits are because the motorist failed to stop. However, it is of some interest to see what brought the offender to police attention prior to the pursuit.

4.14 In relation to the 89% of cases where a reason was provided for the contact with the offender, the greatest proportion of pursuits arose from an offender coming to police attention for speeding (21%), for a stolen vehicle (16%), and for dangerous driving (10%).

Duration of pursuits (and distance)

4.15 The median distance across the 7-year analysis period was 4 kilometres. While the pursuit distances ranged from a few metres to 160 kilometres, half were under 4 kms, another 25% were under 10 km and a further 15% were completed within 20 km. There was no change in pursuit distance patterns over the 7 years.[17]

Offender apprehension

4.16 Approximately 79% (3,214) of offenders were apprehended across the 7 year period - 86% in 1997 decreasing to 75% in 2002.

Pursuit abandonment

4.17 The proportion of pursuits that are abandoned increased from 9% of pursuits in 1996 to a peak of 17% (116) in 2001. In 2002, 16% (126) of pursuits were abandoned.

Effectiveness of additional tactics: road spikes

4.18 Road spikes are not a commonly used police tactical tool: road spikes were deployed in only 4.7% (190) of pursuits and had a success rate[18] of 52%. Road spikes were most commonly used in pursuits of longer distance (and therefore longer time duration).

4.19 The successful use of road spikes is associated with longer distance pursuits. This apparent link between the distance (and hence time duration) and the use of road spikes can be explained by the time required to locate and deploy this tactical tool. With pursuits, a police vehicle has to get into a position where the spikes can be safely deployed. This takes time, and most pursuits are short and over quickly.

4.20 Thus, the fact that New Zealand Police have spikes in only a few vehicles (making them unlikely to be in the right place at the right time) may not be a major shortcoming as they are seldom able to be used in most pursuits.

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17 *Box-plot analysis, results not shown.*

18 *Success is defined as the pursuit being stopped by the deployment of road spikes.*

Characteristics of pursuit offenders

4.21 Analysis revealed some obvious demographic trends associated with pursuits. Over the 7-year period of study, pursuits typically involved offenders with the following characteristics:

- 93% of offenders were male, 7% were female[19]
- 85% were 34 years or younger
- 55% of offenders were aged between 15 and 24 years (with another 4% under 15 years) at the time of pursuit (see below)[20]
- 8.3% offenders were 40 years and older.

Table Six: Age groups of offenders

Age	No. of offenders	% of offenders
Under 15	129	4.4
15-19	892	30.2
20-24	723	24.5
25-29	470	15.9
30-34	300	10.1
35-39	198	6.7
40-44	111	3.8
45-49	61	2.1
50+	73	2.4
TOTAL	**2,957**	**100.0**

Offenders by gender

4.22 The majority of offenders, who flee when signalled to stop by police, are male. Males made up 93% of offenders over the 7 year study period, compared with females accounting for 7% of offenders. These proportions changed little over individual years.

Conviction history of pursuit offenders

4.23 Personal Record Numbers (PRNs) were available for 2,551 individual offenders.[21] These offenders were involved in 2,739 pursuits, and had accumulated a total of 60,632 convictions between them, starting from August 1954. The minimum number of previous convictions for a single offender was one, and the maximum number of convictions was 267. The median was 15 (with a mean of 24).

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19   *4,062 pursuits (99.7%) had the gender of the offender recorded.*

20   *2,957 pursuits (72.5%) had an offender date of birth recorded.*

21   *Convicted offenders have a PRN. In this study the PRNs were not entered on the •PURSUE form for some offenders. This was often because in the 7yr period, up to 16% of offenders each year were not apprehended due to abandonment of the pursuit.*

4.24 The characteristics of this subset of pursuits were:

- 87.4% of offenders were apprehended at the end of the pursuit
- 93.1% of pursuits involved a male offender
- the median age of offenders at the time of pursuit was 23 years, and three offenders were in their 60s at the time of the pursuit.

4.25 The most common convictions were for burglary (burglary, armed with intent to break and enter, and the like) which accounted for 7,814 (12.9%) of all convictions. Other common convictions were:

- violence at 6,332 convictions (10.4%)
- stolen vehicles (unlawfully takes, unlawfully converts, theft) at 6,090 (10.0%) convictions
- cannabis at 3,889 convictions (6.4%)
- breach periodic detention at 3,236 convictions (5.3%)
- take/obtain/use document for pecuniary advantage at 2,579 convictions (4.3%)
- general theft (excluding theft of motor vehicles) at 2,556 convictions (4.2%)
- theft ex-car at 2,412 convictions (4.0%)
- wilful damage at 2,183 convictions (3.6%)
- failure to answer bail at 1,996 convictions (3.3%), and
- theft ex-shop at 1,585 convictions (2.6%).

Type of offender vehicle

4.26 Cars accounted for 76% of the vehicles used in pursuits and motorcycles accounted for 13%.

4.27 In relation to the vehicle type favoured by males and females, motorcycles were used by 14% of male offenders and 7% of female offenders, and cars were used by 75% of male offenders and 82% of female offenders

4.28 The median age for motorcycle offenders was 25.5 years; for car offenders, the median age was 21.7 years.

Motorcycles

4.29 There is considerable concern over pursuits where the offender is on a motorcycle. But analysis established that:

- the proportion of motorcycle pursuits decreased from 18% in 1996 to 10% in 2002
- motorcycle pursuits travelled shorter distances than other pursuits

- 19% of motorcycle pursuits were abandoned compared with 12% of other pursuits
- 74% of motorcycle pursuits did not result in a crash by the offender, compared with 64% of other pursuits

Characteristics of lead pursuit officers

4.30 Officers involved in pursuits over the 7-year period of study tended to be younger and to have less experience. For example, analysis showed that:

- the median age of police officers at the time of pursuit was 31 years
- approximately 50% of officers involved in the pursuits were aged between 28 and 36 years
- 64% of officers had 6 or less years of service
- the median length of service (i.e. experience) at the time of the pursuit was 4 years.

Table Seven: Officers' length of service at time of pursuit

Years of service	No. of officers	% of officers
Under 3 yrs	1278	31.4
3-5 yrs	1332	32.7
6-8 yrs	635	15.6
9-11 yrs	373	9.1
12+ yrs	458	11.2
Total	**4,076**	**100.0**

4.31 Rank at time of pursuit was able to be identified in relation to 2,860 (70%) officers. Of this group, 91% were constables.

No conclusions can be drawn from the data on officers. The key characteristics closely match those of frontline police generally, therefore an officer's age, length of service and are rank cannot be said to be significant factors in terms of pursuit participation.

4.32 Vehicles driven by dog handlers were the lead vehicle in only 2.8% of pursuits.

This finding challenges the common perception that dog vans are often the lead vehicle in pursuits. However, it is possible that the perception is broadly correct except that the vans are "involved" in the pursuit rather than the primary vehicle.

Pursuit crashes by offenders

4.33 The electronic report (*PURSUE) asks if the pursuit involved a "crash". It does not allow any explanation of the type of damage resulting from the crash, so the results are likely to cover crash severity levels ranging from major damage to the offender and the offender's vehicle down to the most minor scrapes or dents in body work with no associated offender injuries. For this reason, it appears more accurate to say the data refers to the proportion of offenders' vehicles that sustained some type of damage.

4.34 Overall, the offenders sustained vehicle damage in 34% of pursuits: the percentage was higher (36%) in pursuits that were not abandoned and lower (27%) in pursuits that were abandoned.

4.35 The median length of pursuit was the same at 4 km, regardless of whether or not the offender's vehicle was damaged.

Table Eight: Percentage of pursuits involving offender crashes compared with police crashes.

Year	Offender crashes (%)	Police crashes (%)
1996	35.7	7.4
1997	38.3	8.7
1998	37.2	6.0
1999	39.3	7.5
2000	35.0	6.0
2001	27.3	4.0
2002	31.7	4.1
Average	**34.4**	**6.0**

4.36 According to table eight, the worst year for offender crashes was 1999 (39.3%).

Pursuit crashes by officers

4.37 The offender is much more likely to sustain or cause vehicle damage than the police. Analysis over the 7 year period of study found that 6% (245) of pursuits involved damage to police vehicles. The worst year for police crashes in pursuits was 1997 (8.7%).

Comparison of Gibson Report findings with current findings

4.38 To round off this section (Study A), a comparison between the Gibson Report pursuit statistics (November 1992 to January 1996) and the latest report statistics (January 1996 to December 2002) was made.

Table Nine: Comparison of findings.

Pursuit characteristic	Gibson Report (N=959)	Current findings (avg 1996 - 2002) (N=4,076)
Pursuit abandoned	11%	13%
Offender apprehended	82%	79%
Offender "crashed"	39%	34%
Police "crashed"	6%	6%
Road spikes used	5%	5%
Offender on motorcycles	20%	13%
Initiation reason		
- speeding	22.8%	18.6%[22]
- stolen vehicle	16.1%	13.8%[23]
- failing to stop	12.4%	11.1%
- dangerous driving	5.2%	8.9%
- occupants behaving suspiciously	2.7%	2.4%
- reckless driving	1.5%	1.1%
- motorcyclist with no helmet	1%	0.5%
- driver involved in domestic dispute	1%	0.5%

4.39   As can be seen in Table Nine, comparison between the Gibson Report and the current findings reveals little significant change in pursuit characteristics over these two periods of analysis. The number of police who crashed (sustained damage to vehicle) remained stable across findings for both periods of analysis. So did the use of the tactic of deploying road spikes during a pursuit.

4.40   It also appears that nearly every initiation category experienced a slight decrease in overall percentage from the period of the Gibson Report to that in which current findings are based. Dangerous driving was the only category that experienced an increase.

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22   *Excludes speed offences where the offender has committed additional offences, such as erratic driving.*

23   *This increases to 16.9% if pursuits with offending besides vehicle theft are included.*

Study B: Comparison of pursuit recordings against the prosecution files

Goal

4.41   The goal of Study B was to compare the accuracy of key information (such as offender speed, offender driving behaviour, traffic density) reported to police communications centres ("Comms Centres") during pursuits, against the information held within the prosecution files, (including the summary of facts and job sheets).

Method

4.42   The audit was performed by Bill Dunn, a retired police inspector with extensive audit experience of Police 'professional standards' files. The results reported here came directly from the audit; however a number of comments were added by the review team.

4.43   A sample of 41 pursuits conducted between 1 January 2002 and 31 December 2002, where the offender was to be charged with reckless or dangerous driving, were randomly selected from the cleaned SAS dataset. These slightly older pursuits were selected on the assumption that the Comms Centre pursuit recordings would be available and that the prosecution would be complete so the file would be available for auditing. The pursuits were selected so that all 12 Police districts would have files audited where there was a range of injury and non-injury pursuits (maximum of 4 files per district - 2 injury and 2 non-injury pursuits - subject to the district experiencing sufficient numbers of pursuits within the year).

4.44   The design was amended after the audit started because Comms Centre recordings of pursuits selected from the first half of 2002 were typically difficult or impossible to obtain. Two prosecution files did not contain sufficient information, and two files could not be located. This meant that only 20 (49%) of the originally selected 41 pursuits could be audited. Therefore the sample was boosted by including 8 pursuits currently subject to a 2003 Professional Standards investigation.

4.45   The selected files revealed a range of pursuit outcomes. For example, 12 pursuits involved no injuries, 15 resulted in injuries, and one was associated with a fatality. This is a higher proportion of injuries than would be found in a true random audit and was because the sample

group included 10 Police Complaints Authority files (including the sample boost of 8 Professional Standards pursuit files from 2003). Only pursuits relating to death or serious injury are subject to a Professional Standards and PCA investigation.

4.46 The eventual sample included at least one pursuit from 11 of the 12 police districts. Because of the problems in obtaining the sample, one district (Counties-Manukau) ended up not being represented. In total the audit examined 28 pursuits. Twenty were 2002 pursuits and the 8 remaining files were from 2003.

Limitations

4.47 When interpreting the results of the study there are several factors which must be taken into account. First, in 5 instances, the analysis was constrained by:

- gaps in the Comms Centre recordings (3 pursuits)
- an inaudible tape (1 pursuit) - the resulting comparison was between the prosecution file and the Comms Centre event log;
- no tape available but an existing written transcript of the original recording was able to be used instead.

4.48 Second, the findings of the audit are based on only a small sample. The results are therefore suggestive rather than definitive.

Results

Time from start of pursuit and Comms Centre involvement

4.49 Typically, Comms Centres were informed quickly that a pursuit was under way. What delays occurred were calculated in seconds rather than minutes. The longest delay was 50 seconds, caused by pre-existing radio traffic in the Comms Centre. The second-longest delay was 28 seconds, caused by the officer calling another patrol before advising the Comms Centre.

4.50 Conversely, the audit also revealed there were 2 pursuits where there seemed an unreasonable delay before the Comms Centre acknowledged a radio message from a police vehicle that a pursuit had commenced. In 1 instance there was a 50 seconds delay; in the other the pursuit had been over for 40 seconds before the Comms Centre responded.

Accuracy of information relayed to Comms Centres from pursuit vehicle

4.51 Under the general instructions and commentary training, the police driver is required (amongst other things) to give frequent reports on:

- the speed of pursuit (police) vehicle
- traffic density
- the offender's driving behaviour, including excessive speed.

4.52 The comparison between the Comms Centre recordings and the prosecution files found as follows.

Speed of the pursuit vehicle

4.53 In most pursuits it was difficult to determine the speed of the pursuit vehicle because it was unclear whether they were giving their own speed or that of the offender's vehicle. The assumption can be made that in most instances a pursuit vehicle will be travelling near the speed of the offending vehicle so as to remain in contact with it. In most cases the Police summary of facts only contained the speed of the offending driver.

4.54 The pursuit vehicle's speed could be determined in 9 (32%) of the 28 prosecution files. Only 7 (25%) of these were reported to the Comms Centres. In these 7 pursuits the information provided to the Comms Centres tallied with that held in the files.

Traffic density

4.55 Drivers gave frequent details of traffic density to Comms Centres in 16 (57%) of the 28 pursuits. In relation to the remaining 12 (43%) pursuits:

- in 5, there were no traffic conditions reported and no contrary information in the prosecution file
- in 5, there were no traffic conditions reported to Comms Centres but traffic density was given in the summary of facts as a feature of the pursuit (thereby supporting a charge of dangerous or reckless driving)
- in 2, there was different information relayed to Comms Centres, compared with that contained in the summary of facts.

4.56 These results reveal that the accuracy rate of reporting traffic density was only 75% (the 16 pursuits where details were given and matched the details in the prosecutions file, and the 5 pursuits where traffic density was not given but this also matched the file).

Offender's driving behaviour.

4.57 The offender's driving, including speed, was the main focus of the audit. It was vital to determine the accuracy of the offending that was being relayed to Comms by the pursuit vehicle(s).

Speed

In relation to this single largest component of offending:

- 56 speeding offences were mentioned in the summary of facts
- only 50 (89%) out of the 56 were reported to Comms Centres; the remaining six (11%) were not reported to Comms Centre but were described in later documentation
- in 8 of the instances reported to Comms Centres, the stated speed of the offender was lower than presented in the summary of facts (representing an inaccuracy rate of 29%).

Non-speeding dangerous driving offences
According to the summary of facts, each offender committed at least two additional traffic offences during the pursuit. Not all of these were reported to Comms Centres. For example, 92 non-speeding offences were recorded as having occurred during the pursuits (including instances of dangerous driving). Only 23 (25%) were reported to Comms Centres.

4.58 These results reveal that 89% of speed offences were reported to the Comms Centre by pursuit vehicles, but only 25% of dangerous non-speed offences were reported. Thus, the offences reported to the Comms Centres represented just under half (49.3%) of the total offences recorded in the prosecution files.

Number of police vehicles in pursuit

4.59 Police General Instructions V008 (2)(c) and D061A (2)(c) stipulate that the number of vehicles in immediate pursuit of the offending vehicle should be limited to two unless there is good reason for additional vehicles to be authorised. According to the Comms Centre recordings:

- 16 of the 28 pursuits (57%) involved a single pursuit vehicle
- 7 involved two pursuit vehicles
- 5 pursuits involved a maximum of three pursuit vehicles.

4.60 In relation to the 5 pursuits with 3 pursuing vehicles:

- in 2, the Comms Centre instructed the additional pursuit vehicle to abandon pursuit
- in 1, the police helicopter Eagle instructed the vehicles to abandon the pursuit, and
- in 1, the third vehicle voluntarily withdrew from the pursuit.

4.61 The impression gained from the audit was that when Comms had a pursuit under control, and became aware that there were more than 2 immediate pursuit vehicles (i.e. directly following the offender), they acted to reduce the number to 2. Some field staff did not seem to be aware of police policy that places restrictions on the number of immediate pursuit vehicles.

Control of pursuits by Comms Centres

Informing drivers the Comms Centre is in charge

4.62 According to General Instruction D061A(2)(a) the Comms Centres are expected to take charge of a pursuit once they are aware that a pursuit is in progress, and they are to inform the pursuing officer of this fact. This did not occur in any of the 28 pursuits audited.

4.63 A possible explanation for this finding is that General Instruction V004(1) states that the pursuing officer has primary responsibility for the initiation and conduct of the pursuit. The GI does not require the Comms Centre to tell the pursuing officer they (the Centre) are in charge. The conflict between these two General Instructions may (partially) explain this apparent lack of command and control by the Comms Centres. The confusion between the two General Instructions is discussed in chapter 3 ("the law") and chapter 6 ("management of pursuits") and addressed in the recommendations.

Requesting reasons for the pursuit

4.64 The Comms Centres is required to request the reason for the pursuit once they are aware that a pursuit is in progress.

- In 12 of the 28 pursuits (43%), the Comms Centres were already aware that a pursuit was occurring, for example through monitoring the radio traffic, or because they had prior knowledge of an operation in progress.

- In 9 pursuits (32%) the Comms Centres made the required request for the reason for the pursuit.

- In the remaining 7 pursuits (25%), the Comms Centre did not specifically request reasons for the pursuit. In 4 of these (14%), the pursuits were finished within 55 seconds, which did not allow sufficient time for either the vehicle to provide the reason for the pursuit or for the Comms Centres to request this information.

- Therefore in only 3 pursuits (11%) was the request not made by the Comms Centres, and no reason was provided by the officers concerned.

Tactics suggested

4.65 Depending on the circumstances, Police are able to use additional tactics within a pursuit.

- In 9 of the 28 pursuits, the Comms Centre suggested the police driver(s) use extra tactics: in 3 of these the Comms Centres suggested the use of road spikes; in the remaining 6 they suggested tactics such as cordons, and road blocks.

- In 4 pursuits, the Comms Centre agreed with patrol suggestions to deploy road spikes and actively worked to bring this about.

- In relation to the 15 pursuits where no suggestion of other tactics was made by the Comms Centre, 8 of them had a pursuit duration too short to realistically expect this to occur.

- The 7 pursuits where it could be reasonably expected that tactics would have been suggested equated to 25% of the pursuits audited.

Abandonment of pursuit

4.66 **Abandoned.** The Comms Centres instructed the pursuit to be abandoned in 20 out of the 28 audited pursuits (71%). In 19 of the pursuits the instruction was given shortly after the Comms Centre was advised of the pursuit.

- In 3 of the 20 abandoned pursuits, the pursuing officers challenged the Comms Centre instruction before subsequently obeying it - in 1 case the Comms Centre relented and allowed the pursuing vehicle to keep following the offender, but at a lower speed; in the 2 other instances the pursuing vehicles kept up the pursuit (and are currently subject to disciplinary investigation).

- 17 (85%) of the 20 were abandoned as directed.

4.67 **Not abandoned.** Of the remaining 8 pursuits that did not receive a directive to abandon:

- 3 ended within 55 seconds and it is unlikely a decision to abandon pursuit could be made in such a short timeframe, and

- 5 continued [presumably through to apprehension of the offender].

4.68 The audit noted that the remaining 5 pursuits should have included an instruction to abandon, but no instruction occurred (a non-compliance rate of 17.8%).

Audit conclusions

4.69 The audit concluded that, overall, the pursuits were reasonably well managed by the Comms Centres. The pursuits that were difficult to control were those occurring in a city during the day when there were more police vehicles competing for radio time, and when the offending driving was potentially more dangerous because of the increased amount of pedestrian and vehicle traffic.

4.70 **Low accuracy** The audit suggested the low accuracy in reporting offender speed and dangerous driving offences to the Comms Centres could be due to a number of factors.

- *Single crewed lead pursuit vehicle:* in 7 (25%) pursuits the officer was in a single-crewed vehicle, where practical difficulties clearly arise with the need both to drive the vehicle and provide a radio commentary.

- *Short duration of pursuits:* 4 (14%) pursuits were over quickly.

- *Urban area:* 4 pursuits (14%) were in an urban area where the offending was committed too rapidly for accurate reporting to the Comms Centres.

- *Competing radio traffic:* this affected 3 pursuits (11%).

- *Indistinct communications*: in 2 pursuits (7%) the radio messages were indistinct.

4.71 This still left 8 pursuits (29%) where communicating the offender's dangerous driving behaviour was communicated either not at all or not well. According to the audit, the low reporting accuracy is also partly a training point. Less experienced officers provided poorer commentaries to the Comms Centres, and less experienced Comms Centre staff showed greater difficulty in controlling the pursuit.

4.72 **Abandon pursuit** The audit concluded that:

- the order to abandon the pursuit must be stated unequivocally, and understood to be clearly directed at all police vehicles involved in the pursuit, not just the primary unit, and

- the situation around the re-starting of a pursuit needs clarification.

4.73 Lastly, the audit concluded that the findings are sufficient to suggest that Police implement ongoing audits of a random selection of pursuits, coupled with interviews of the Comms Centre staff and police officers involved in the selected pursuits. The purpose of this practice is to optimise the accuracy of pursuit commentaries, by identifying factors negatively impacting on them and then suggesting solutions to eliminate or reduce the impact of these factors. The nature of this work falls within the ambit of Professional Standards.

Comment

4.74 At first glance, the comparison of pursuit recordings with the prosecution files appears worrying. There are differences between the information about the offender's driving on the Comms Centres' tapes and what is recorded on the summaries of fact for prosecution. For example:

- only 25% of non-speeding dangerous driving offences were reported to the Comms Centre

- the speed of only 25% of the pursuit vehicles was communicated to the Comms Centre

- almost 30% (28.6%) of the offenders' speeds that were relayed to Comms Centre were lower than later recorded in the file

- 25% of police drivers either a) did not relay information about traffic density to Comms Centre when it was later recorded in the file as a feature of the pursuit, or b) relayed information that differed from what was later put in the documentation.

4.75 The audit gives reasons for the low accuracy, such as single-crewed vehicles, too much radio traffic, pursuits over quickly, and so on. Whilst these reasons are logical (for example, common sense suggests that officers will experience difficulties in relaying all relevant information to Comms Centres while trying to manage the pursuit safely), the findings still highlight the high level of skills, knowledge and experience necessary to carry out pursuits.

4.76 Whether officers can demonstrate these at the same time as provide the necessary level of commentary is in question. Mr Ross Gilmour (a consulting psychologist on the reference group) was kind enough to give his view of the above findings. He believes these results (inaccurate reporting, insufficient information, and the like) are entirely consistent with what he would have expected from research on the effects of stress.

4.77 Mr Gilmour wrote a paper for the Ministry of Transport on the psychological aspects of pursuits where he discussed a phenomenon called "channellised attention" (Gilmour, 1988). In the extreme conditions of a pursuit officers are often driving to the limits of their capability and are affected psychologically and physiologically, with their attention narrowing onto the pursued vehicle.

4.78 Mr Gilmour says it is very difficult for officers to focus on everything happening and provide a coherent ongoing commentary. He believes that, as the officer in the field, the police driver must make decisions on the pursuit, but that drivers should be prompted by the Comms Centre with questions around the specific information they need, for example " What is your speed?" This should ensure officers respond, which may in turn help them weigh up the risk of proceeding. It should also help mitigate the effects of stress and channellised attention on the driver. These are points to be considered when rewriting the General Instructions and other related documents.

4.79 Overall, the opportunity should be seized to learn from the audit, with the findings incorporated into the development of more effective pursuit policy. The policy should aim to outline the expectations required of the pursuing officer in reporting to the Comms Centre and of Comms Centre staff controlling the pursuit. In addition the ambiguity between the two General Instructions needs to be resolved and both officers and Comms Centres should receive specialised training.

Study C: Fatal pursuits 1996-2002

Goal

4.80 The goal of Study C was to examine the hard copy files relating to all fatal pursuits that occurred between 1 January 1996 and 31 December 2002 to determine whether there were lessons to be learnt.

Method

4.81 The Professional Standards group in the Office of the Commissioner maintains files on all pursuits that result in a fatality. For the period in question there were 9 deaths. These files were all examined. Although 3 of the deaths were associated with police pursuits they were excluded from further analysis because: in two instances, the offender crash occurred prior to pursuit commencement (one in 1996, one in 2000), and in the other pursuit the offender shot and killed himself within his stationary vehicle at the end of the pursuit. The analysis therefore was centred on 6 of the 9 fatalities recorded over the 7-year period.

4.82 Key information from the Professional Standards files was entered into an MS Access database.[24] These files contained detailed information on each pursuit: the district investigation, including witness statements, the Professional Standards investigation; and the Police Complaints Authority (PCA) report (where completed).[25]

Limitation

4.83 While this study included all fatalities associated with police pursuits over the given period, the small number means that general trend analysis is not possible.

Results

4.84 The files were compared across a range of aspects.

Proportion of total pursuits. The 6 fatalities represent 0.15% of all pursuits. One fatality occurred in 1998, 1999, 2001, and 2002, and two fatalities occurred in 2000.

Pursuit fatalities and injuries:

- *Status of the deceased.* All crashes involved one fatality each. In 1 crash an innocent victim was killed, in the other 5 crashes the deceased was the offender.

- *Injuries to any other parties.* In only 1 pursuit was the offender the sole fatality or injury - this also was the only fatal pursuit

where the offender was on a motorcycle. In 2 pursuits, the offender was killed and passengers in the offender's vehicle were injured. In 2 pursuits, the offender was killed and two innocent parties in another vehicle were injured. In 1 pursuit an innocent party was killed, and the offender and a passenger in the offender's vehicle were injured.

Pursuit characteristics:

- *Time of day.* Three of the pursuits were initiated between 11pm and 3am. One pursuit occurred just after 6am, and the other 2 were initiated between 9am and 11am.

- *Day of week.* None of the pursuits occurred on a Wednesday or a Sunday. Two were initiated on a Saturday.

- *Location of pursuit.* Three of the pursuits occurred in the Central Police District (2 occurred in Palmerston North). One fatality occurred in the Waikato District, and 2 in Auckland districts (1 in the Auckland City District and 1 in the Counties Manukau District).

- *Reasons for initiating the pursuit.* In 2 pursuits, the offender drew Police attention by speeding, and then failing to stop. In the other 4 pursuits, the offender was initially in a stationary vehicle: in 1 pursuit the offender was just leaving an attempted burglary, and in the other 3 pursuits the offender failed to remain stopped after a traffic stop.

- *Duration of pursuits.* Most of the pursuits unfolded rapidly. The pursuit distances ranged from 1.5km to 7km, with a time duration ranging from 40 seconds to 12 minutes. Median pursuit distance was 6.4km and median pursuit duration was 4 minutes 30 seconds.

- *Speed attained in pursuits.* The offender maximum speed ranged from 120kph to 160kph, with a median maximum speed of 140kph.

- *Distance between offender and police.* The distance between the offender and the lead pursuing vehicle alters over the course of the pursuit as a function of the police officer trying to read the registration number of the offender's vehicle, as the offender slows (in a number of cases) for intersections, and so forth. The typical

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24 Some preliminary analysis was performed by Martyn Napier, an intelligence analyst from the North Shore Waitakere District.

25 The PCA automatically investigates all instances of death and serious harm that may be due to Police activity. As well as harm arising from police pursuits, the Authority also investigates cases such as injuries from police dogs, and suicides and attempted suicides where the person is in Police custody. As such, the Authority has a substantial backlog of cases and some 2002 investigations are not yet complete.

distance between the offender and the lead pursuing vehicle ranged from 90m to 400m, with a median distance of 175m.

- *Pursuit abandonment.* One pursuit was clearly abandoned, and this decision was made by the lead pursuing vehicle.

- *Use of additional tactics.* In 4 of the 6 fatal pursuits, road spikes were considered (by the pursuing driver). In 3 of these the short duration of the pursuit, coupled with the lack of road spikes in involved vehicles, did not enable their deployment. In the fourth pursuit, the offender's vehicle was a motorcycle so road spikes could not be deployed. In 2 pursuits there was an attempt to use air support - in one pursuit the crash occurred before the helicopter was airborne, in the second the helicopter had taken over the pursuit. In one pursuit a police roadblock was attempted using one vehicle but the offender car managed to scrape past it.

Offender characteristics:

- *Sex.* All offenders involved in the fatal pursuits were male.

- *Age.* At the time of pursuit, the offenders ranged in age from 18 years to 30 years, with a median age of 24 years.

- *Criminal and driving histories.* Three offenders had a previous criminal offending history and the other three had a previous traffic offending history. The criminal histories typically included dishonesty offences.[26] One offender had both criminal and traffic convictions i.e. a manslaughter conviction and previous dangerous driving convictions (this offender was also a disqualified driver at the time of the pursuit). Two of the offenders with traffic histories had a previous conviction for drink driving.

- *Vehicle type.* Only 1 pursuit involved an offender riding a motorcycle, in the other 5 pursuits the offender was in a car.

- *Drink driving status of offender.* Five offenders (all of whom were deceased) were tested for alcohol. Two offenders returned an excess blood alcohol reading - both had previous convictions for drink driving.

26 The "dishonesty" category includes burglary, receiving, unlawful takings, theft and fraud.

27 In this pursuit the offender was injured. The offender was interviewed by Police and mentioned this aspect in the interview.

- *Presence of passengers.* In half the pursuits there were passengers in the offender's vehicle. The number of passengers ranged from 2 to 4.

Police pursuit characteristics:

- *Sex of lead driver.* All lead pursuing vehicle drivers were male.

- *Crewing of lead pursuing vehicle.* In 4 pursuits the lead pursuing vehicle was single-crewed. This is not surprising given that 5 pursuits arose from traffic-related violations and the majority of road policing vehicles are single-crewed. In the other 2 pursuits the lead police vehicle was double-crewed. However, in one pursuit the double-crewed vehicle was operating similarly to a single-crewed vehicle, as the police driver was also providing the commentary.

- *Number of police vehicles involved.* The number of police vehicles in the pursuit ranged from 1 to 3, although for most of the duration of these pursuits there was typically only one pursuing police vehicle.

Comms Centre Involvement:

- *Informing Comms Centres.* The Comms Centre was informed within 20 seconds for 1 pursuit, and within 60 secs for 3 pursuits. In 2 pursuits, the Comms Centre was already aware of the event preceding the pursuit.

- *Tactics suggestions.* In no pursuit did the Comms Centres suggest additional tactics, such as road spikes or air support. When these suggestions were made, they arose from the pursuing driver or from the field supervisor.

- *Abandonment directives.* The Comms Centres did not direct the abandonment of any of these pursuits. In one pursuit, the lead pursuing driver abandoned the pursuit using his own initiative. In a second pursuit the lead pursuing vehicle had pulled back as the Eagle helicopter had taken over. In a third pursuit, where the innocent party was killed, both the lead and second pursuing vehicle had started decelerating prior to the offender crash, and the offender had noticed the units were pulling back.[27] In the remaining instances the pursuits were ongoing at the time of the offender's crash.

- *Commentary to Comms Centres.* In 3 pursuits there was excellent commentary between the lead pursuing vehicle and the Comms Centres. In 1 pursuit the commentary had barely started as the pursuit only lasted 40 seconds. The remaining 2 pursuits were problematic. In 1 of them, there were problems with the radio transmissions and difficulties were encountered by the Comms Centre in controlling the pursuit; in the other pursuit instances of dangerous driving were not relayed to the Comms Centre.

Crash characteristics:

- *Road characteristics.* One crash occurred at an intersection, and this pursuit resulted in the death of an innocent party. Three crashes occurred on a bend in the road. One crash occurred against the side of a bridge, and another occurred after the offender drove the wrong way up a motorway off-ramp.

- *Speed at crash.* Two of the crashes occurred in 50kph zones, and the estimated speed of the offender prior to braking in these pursuits was 118kph and 129kph. Three of the crashes occurred in 100kph zones, and there was a smaller difference between the offender speed prior to braking and the speed limit applying: 120kph, 117kph and 112kph. However, the 112kph crash occurred on a bend with an advisory speed of 55kph.

- *None of the fatal crashes involved damage to any police vehicle.* However, 1 police vehicle sustained a small amount of damage during a pursuit when the offender literally scraped past the one-car road block.

Recommendations/findings from the files:

- *1998 pursuit.* Fatality caused by offender's decision to overtake marked police vehicle acting in "moderator" role. No liability for police officer in moderator vehicle or for oncoming innocent driver, who received serious injuries in the crash.

- *1999 pursuit.* Pursuit should have been abandoned earlier, at the stage where the offender crashed into another vehicle at an intersection (no injury to any party). The Comms Centre should have requested the reason for the pursuit. The constables, particularly the passenger officer, should

have provided better commentary to the Comms Centre. Highlights need for police vehicles to contain road spikes, and for more officers to be trained in the use of road spikes.

- *2000a pursuit.* Police followed pursuit policy to the letter, including excellent commentary to the Comms Centre during the pursuit and attempts to use additional tactics (helicopter).

- *2000b pursuit.* The pursuit policy was not followed. The pursuit should have been abandoned, rather than merely having the two pursuing vehicles pull back. The Comms Centre did not meet its control requirements in the pursuit, with some mitigating circumstances such as interference with radio transmissions.

- *2001 pursuit.* Police followed the pursuit policy. The reason for the offender's death was his attempts to speed away from apprehension, even after the helicopter had taken over the pursuit. PCA report not yet completed.

- *2002 pursuit.* Police followed the pursuit policy. The reason for the offender's death was his attempts to speed away from apprehension, and alcohol may have played a role in this decision.

Findings: Study A

4.85 The findings were already presented in summary form in the chapter. However the main points are:

- Pursuits increased from 446 in 1996 to 785 in 2002 (or from 1.2 pursuits a day to 2.2 per day).

- There were 4,076 reported pursuits in the 7-year period 1996-2002 - an average of 582 each year.

- The number and proportion of pursuits that are abandoned increased from 9% in 1996 to 16% in 2002.

- The proportion of offenders apprehended decreased from 86% in 1996 to 75% in 2002.

- Offenders tend to be male and young and to have criminal histories (55% of all pursuit offenders were aged between 15 and 24 years; and only 7% of offenders were female).

- The 2,551 offenders for whom PRNs were available had accumulated 60,632

convictions between them (starting from 1954).

- The average number of previous convictions for a single offender was 24. However, the median was 15 (a minimum of 1 and maximum of 267).

- Friday, Saturday and Sunday were the most common days for pursuits.

- 61% of pursuits occurred in the 6-hour period 10pm to 4am.

- Most pursuits are of short duration - the median length is 4 km, and three-quarters are under 10 km.

- Motorcycle pursuits are more frequently abandoned compared with other vehicle pursuits (19% compared with 12% of other pursuits).

- Road spikes were deployed in only 4.7% (190) of pursuits, and had a success rate of 52%.

- Overall, 34% of pursuits were associated with a "crash" by the offender (36% in 1996 and 32% in 2002). The term "crash" is undefined on the electronic pursuit report but is taken as damage to or by the offender's vehicle.

- Overall, 6% of pursuits between 1996 and 2002 were associated with a "crash" by police vehicle. This rate was highest in 1997, where a police crash was reported for 9% of pursuits. The proportion for 2001 and 2002 was 4%.

- Offender crashes have been trending downwards since 1999; police crashes have been trending downwards since 1998.

- Motorcycle pursuits as a proportion of all pursuits have decreased over time - from 18% in 1996 to 10% in 2002.

Findings: Study B

4.86   Comparisons were made between the content of 28 prosecution files where the offender was to be charged with dangerous or reckless driving and that of the Comms Centre recording of the pursuit. Though only a small sample, the comparison of pursuit recordings against the relevant prosecution files provided findings of some concern. In particular, it revealed differences between the information about the offender's driving behaviour that is on the Comms Centres' tapes and that which is

recorded in the prosecution files (including summaries of fact and job sheets). For example:

- 75% of non-speeding dangerous driving offences were not reported to the Comms Centre

- the speed of 75% of the pursuit vehicles was not communicated to the Comms Centre

- almost 30% (28.6%) of the offenders' speeds that were relayed to Comms Centre were lower than later recorded in the file

- 25% of police drivers either a) did not relay information about traffic density to Comms Centre when it was a later recorded in the file as a feature of the pursuit, or b) relayed information that differed from what was later put in the documentation.

4.87   The audit provided a number of factors that appeared to have contributed to the low accuracy rates, such as single-crewed vehicles (making it difficult to manage the pursuit while at the same time managing the radio commentary requirements), too much radio traffic, pursuits over quickly, the Comms Centre staff member's experience in controlling pursuits, and so on. Greater clarity in the guiding documents and additional training for both officers and Comms Centre staff were recommended.

Findings: Study C

4.88   As mentioned previously, it is impossible to draw conclusions from such a small number of events. However, some observations can be made. The demographics of offenders in these fatal pursuits match those for pursuits overall - they tended to be male and young and have offending histories. Similarly, the pursuits lasted short distances (6.4 km compared with 4 km for pursuits overall). There was insufficient time in most instances to deploy additional tactics (spikes or air support). There were shortcomings in some of the commentaries, and in the control and command aspects of pursuit management.

Conclusion

4.89   The data presented in this chapter raise a number of issues.

Debunking some popular misconceptions

4.90   In particular, a number of the findings run contrary to popular opinion. In many cases they expose misconception, as follows.

Misconception no.1: that police are over-zealous in pursuing at every opportunity.

This myth is not supported by the evidence. Chapter 1 ("background to the review") estimated that Police signal motorists to stop about 3.5 million times every year. In 2002 there were 785 recorded pursuits, equating to 0.02% of all stops or only 1 pursuit for every 4,459 stops.

Misconception no.2: that many pursuits are for minor offences and should therefore not occur.

The reason the offender came to police attention is largely irrelevant, despite the attention which is given to it. There is only one reason for a pursuit: the failure to stop. That rightly alerts the officer to the fact that something is amiss. The small number of motorists who do not stop, do so because they have something to hide. Officers are intuitively aware of that.

Misconception no.3: that police officers involved in pursuits are "gung-ho" young male constables taking every opportunity to drive fast.

Again this is not supported by the findings. Whilst most pursuing officers are young males, the profile is simply what would be expected. Most New Zealand police officers are male, and a large proportion in road policing units such as the Highway Patrol are male. Moreover, all officers on routine frontline duties tend to be constables.

Misconception no.4: that motorcycle pursuits are a particular worry.

This notion too is misplaced. Motorcycle pursuits as a proportion of all pursuits decreased from 18% in 1996 to 10% in 2002.

Misconception no.5: that New Zealand is out of step with the rest of the world in pursuits.

On the contrary, in a number of instances, the New Zealand data shows remarkable consistency with the international literature. For example, the majority of pursuit offenders are young males with extensive criminal histories, and about 34% of pursuits involve vehicle damage by the offenders.

Other issues

4.91   **Road spikes.** The data on use of road spikes, and the duration of most pursuits, suggests that the view that spikes should be available in all police vehicles and should always be deployed as a way of stopping pursuits may need re-thinking. As most pursuits are short (and unpredictable) there is insufficient time for the Comms Centre to get cars with spikes on board into position so the tactic can be used safely and effectively. On the one hand then, having spikes in every police vehicle may in fact not be a cost-effective move given the nature of pursuits. On the other hand, putting a lightweight and inexpensive tyre deflation device in every vehicle would give Police more of an opportunity to evaluate their true worth.

4.92   **The electronic pursuit report.** Consideration needs to be given to amending the *PURSUE form so it provides better data. For example, it may be useful to add: the type of crash (eg damage to offender vehicle, police vehicle, third part vehicle); any police passenger's identification code; vehicle type; Comms Centre event number; registration number of the offender vehicle; registration numbers of all police vehicles involved (identifying the lead vehicle); maximum offender speed; and, if the pursuit was abandoned, who decided this - the police driver, the Comms Centre, the field supervisor.

4.93   Consideration should also be given to the way vehicle damage and injury information is gathered on the *PURSUE form, and whether any crash information can be linked to the Traffic Crash Report (TCR) that is submitted to the Land Transport Safety Authority.

4.94 **Communication.** This chapter provides substantial evidence to support a call for improvements to the communications between officers and Comms Centres during pursuits. Particular areas for development are training in providing an effective commentary and training in providing effective management of the pursuit.

Final issue: emerging trends

4.95 One final topic needs discussing here. When this review started, a member of the police executive mentioned that officers in Auckland were starting to talk about the "changing face" of pursuits i.e. young people "baiting" police into pursuits, offenders on motorcycles throwing off their helmets because they know that will constitute "dangerous behaviour" and the officer will be told to abandon the pursuit, and fleeing offenders taking extreme risks and later being found to be on methamphetamine (or "P").

4.96 In carrying out Studies A, B and C, the review team found no evidence to support these claims.

This lack of evidence, however, does not mean these are not emerging problems. And if they are, the risks already involved in pursuits would escalate. For example, recent Australian research (ACPR, 2003) looked at the use of amphetamine type stimulants by offenders involved in police pursuits. The authors warned that the use of these drugs could (amongst other things):

- encourage risk taking (making it more likely that a person will get involved in a pursuit), and

- make risk taking while being pursued more likely (because of feelings of grandiosity or invincibility, or because the offender is fatigued, depressed or suicidal).

4.97 In other parts of this report (see paras 4.67 and 7.28-7.29), there is mention of a need for a review process that scrutinises all pursuits. This, together with amendments to the *PURSUE form so it captures more data in relation to pursuit characteristics, would be a means of monitoring pursuits for changes in the overall nature and extent.

CHAPTER FIVE - RECENT DEVELOPMENTS

Scope of this chapter

5.1 This chapter gives an overview of development within New Zealand Police relating to motor vehicle pursuits since 1996. That year saw the publication of the Police Pursuits Policy Report known as the Gibson Report. This chapter will therefore measure Police progress on pursuits against the recommendations in the Gibson Report. But beyond that it will also describe a number of strands of development in pursuit practice and procedure which arose independently of the Gibson Report and in a few instances ran contrary to it.

Background

5.2 In the early hours of 16 June 2000 two patrol cars were responding to the same burglary call in the suburbs of Auckland. They approached the same intersection in Sandringham at the same time. One car went through a red light at 67 kph, the other through a green light at 119 kph. They collided, and one crashed into a building causing serious damage. Everyone in the cars was injured, one seriously.

5.3 That event sent shockwaves both through the Police and through the community. It was one crash of several and did not arise out of a pursuit. Yet it was a catalyst for a body of work on police driving, consisting of:

- a review of pursuit policy;
- a rewrite of the rules for urgent duty driving, including pursuits; and
- the evolution of a system of driver training and classification coupled with vehicle classification, called at that time the "Safe Driving Policy".

5.4 The draft "Safe Driving Policy" (now renamed the Professional Police Driving Programme) was inspired by a similar scheme in New South Wales. Yet the New South Wales scheme itself appears to link back to the system devised by the Metropolitan Police of London in 1935. Because of the lack of training and the type of driving they were having to do, police drivers in London "were having accidents at the rate of one for each 8,000 miles driven and the accidents were quite naturally attracting a lot of adverse comments from the public" (LeWorthy, 2003).

5.5 Likewise the Gibson Report was prompted by concerns about police crashes, particularly those resulting from pursuits. Similar concerns exist today.

The Gibson Report recommendations

5.6 The Gibson Report made 28 formal recommendations. At the suggestion of Police, it did not weight or prioritise the recommendations, nor did it present them in any particular order. The degree of detail varied from the general ("consideration should be given to standardisation and ergonomics in police vehicles") to the mandatory ("cost efficiency ... demands deployment of road spikes in all road vehicles"). The recommendations fall into these groups:

- driver training (recommendations 1-5);
- vehicle design and equipment (recommendations 6, 8-16, 20-23);
- pursuit practice (recommendations 17-19, 24, 28);
- legal (25-27);
- other, namely the recommendation that a police driver who abandons a pursuit in the interests of safety ought to be commended (7).

5.7 The three legal recommendations are covered in chapter 3 ("the law") so will not be dealt with here. This chapter will comment on the Gibson recommendations by group and draw attention to developments that have taken place in the same area independently of Gibson. At this stage it is only necessary to point out that Gibson made a particular investigation into road spikes and made 5 recommendations relating to them. But no change has been made. This is discussed further in paragraphs 5.51-5.60 below.

Driver training

The length of recruit training

"One week to teach recruits driving skills is not enough." (Gibson Report p 10).

5.8 In response to this recommendation, the driver training component of the recruit course was extended from $4^1/_2$ to 7 days. The Gibson Report recognised that the training of recruits must cover a wide range of skills over a limited period

of time. Notably however, when about 2 years ago the length of the recruit course was reduced the amount and the time allocated to driver training were not affected.

The Manfield Track element in recruit training

"We recommend the [Manfield] programme be extended." (p10)

5.9 When the Gibson team carried out its investigation, recruits spent one day at the Manfield Track. The morning session consisted of learning and practising higher speed driving techniques. The emphasis was on cornering, manoeuvering and stopping techniques, including emergency stops. The afternoon session used those techniques to follow a car driven by an instructor. The activities were not directed to apprehending an offender, but at maintaining techniques at varying speeds and under the pressure of unexpected manoeuvres.

5.10 The Manfield element impressed the Gibson team, though Manfield's limitations were well recognised. For example it was felt that learning and practising higher speed driving techniques was too limited. It did little to expose recruits to the high speed environment in which they were being asked to perform in the future in terms of either pursuits or urgent duty driving.

5.11 As a result, the Manfield element of the programme was increased from one to two days and new procedures were added. More recently however the Manfield training has reverted to one day. After evaluation, it was decided by Police College staff that on-the-road training was far preferable to closed-track creation of artificial events[28]. On-road training could better monitor:

- the responsibilities of urgent duty driving;
- the system of car control which forms the basis of advanced driving the world over; and
- driver attitudes.

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28 This is explained in a report from Sergeant Barry Rippon to Inspector Tony Annandale dated 23.9.98.

The tutor training system

"We recommend national, active oversight of all districts as to the tutor training system." (p13)

5.12 At the time of the Gibson Report, New Zealand Police had just accepted a tutoring programme for police drivers. The intention was for districts to have tutors available for drivers requiring retraining or consideration of their driving skills or lack of them. In a related recommendation, the Gibson Report stated:

"We recommend that allocation of tutoring tasks be given to the best appropriately experienced driver or drivers thereby ensuring relevant skilled tuition of those who need to be further tutored in their driving." (p13)

5.13 There was a danger, said the Gibson Report (p13) that only older officers approaching retirement would be appointed tutors. The younger trained officer should be considered and training should be field-based rather than from the Police College.

5.14 In any event, the tutoring programme as envisaged never got off the ground. Driver training at the Police College, for the Highway Patrol and the Commercial Vehicle Investigation Unit is now provided by people who are trained to the appropriate standards of the New Zealand Qualifications Authority. The system of driver and vehicle classification referred to above (and originally called the Safe Driving Policy) necessarily incorporates a scheme under which the competence of police drivers is assessed. But as those paragraphs also indicate, the Safe Driving Policy evolved independently of the Gibson Report.

An armed offender squad process for pursuits

"We recommend that following the AOS decision process ..., consideration ought to be given to a similar positive decision process being taught to and applied by all police officers." (p20)

5.15 Considerable play was made by the Gibson Report about the parallels between the use of firearms and pursuits (see pp 13-20 of the Gibson Report). For example *"... the duties of the AOS and police pursuit driving have a potential for causing death or injury"* (p 13) and

"... the motor vehicle as a 'weapon' is routinely available, potentially lethal (which may not always be understood all the time), the use of which is maintained from limited training to date, with a utility to respond to all threatening or illegal situations" (pp 19-20).

5.16 This is a constant theme in the modern literature. For instance, Darren Palmer (2002) pointed out that high-speed police pursuits were one of the three "key issues" for present day policing (the use of force and the control of domestic violence were the other two). *"And of course"* he wrote *"the results can be lethal, leading some researchers to describe the police car as 'the deadliest weapon in the police arsenal' "*. Chapter 2 ("the wider picture") covers this issue in more detail.

5.17 Although there has been no direct change as a result of this Gibson Report recommendation, there have been notable developments in driver training. And the "Safe Driving Policy" also envisaged a structured approach to pursuit driving by limiting both the drivers and the vehicles that might undertake it. Much more pertinent however is the 23/9/98 recommendation of Sergeant Barry Rippon the officer in command of the Driver Training Unit of the Royal New Zealand Police College. Sergeant Rippon visited the driver training section of Surrey Police on the recommendation of Inspector Mike Hill[29] in August 1998. In his report, Sergeant Rippon describes the tactical pursuit and training package, with training equipment and ethos similar to an armed offenders squad. He made recommendations under three headings, namely:

- stingers (see later in this chapter)
- boxing tactics (also known as "blocking") and
- driver training.

5.18 Whilst most of the driver training recommendations were acted on neither of the other topics have resulted in any action.

5.19 In March 1999 Sergeant Rippon visited the driver training wing of Queensland Police and recommended:

a) driver training at recruit level must continue to be aimed at officer safety rather than speed

b) graduating recruits should be restricted before being cleared for urgent duty driving and pursuits, and

c) more professional-looking documents should be produced for assessments.

5.20 Of these recommendations c) has been fully implemented, no doubt because it is relatively straightforward and administrative. Recommendation a) can be said to have been partially implemented, and recommendation b) not implemented at all.

5.21 The improvements to driver training mentioned before have flowed from the process of continual questioning and reassessment which takes place routinely at the Police College, rather than as a direct outcome of the Gibson Report. Among these improvements are the introduction of:

- new competencies for recruits to assess attitude, skill and safety in advanced driving, among them commentary by drivers who are on urgent duty
- attitudinal training designed to develop responsibility and accountability
- a three hour assessment to cover urgent duty and pursuit policy and general instructions. This assessment calls for 100% correct responses for the recruit to quality as competent
- competency-based courses requiring a minimum standard in all competencies
- a management process to weed out poor performers
- "Roadcraft" the English police and civilian manual of advanced driving supplemented by a New Zealand driver training manual
- redesigned and upgraded course materials.

5.22 In addition, a booklet on tactics for urgent duty driving and pursuits has been written.

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29 *Inspector Mike Hill (currently Area Commander North Shore/ Waitakere/Rodney police district) was on a year's secondment to the Surrey Police at that time.*

Vehicle design and equipment

Check lists in cars

"It is recommended that police drivers have a check list in mind always in deciding to pursue a fleeing vehicle, and, that that check list is displayed, clearly, on the dashboard area of all police vehicles." (p20)

5.23 The check list itself was set out on page 20 of the Gibson Report. No such check list has ever been displayed. Some vehicles carry the dashboard motto "Maximise Safety - Minimise Risk" but even that has been installed to no particular pattern. Recruits are however taught the two types of pursuit, namely the "imperative pursuit" and the "elective pursuit". The origins of this distinction are by now hard to discover but may have originated with Assistant Commissioner Phil Wright. Be that as it may, the two types feature in a sort of check list set out in a report by Superintendent Neil Gyde dated 8 November 1999 and entitled "Urgent Duty Driving".

5.24 The distinction between an imperative pursuit and an elective pursuit is at best a fine one. Moreover the two notions are confusing. In addition, both the label and the concept of "imperative pursuit" appear to run counter to the paramount need for safety set out for example in the urgent duty driving interim policy. The overriding principle is:

No duty is so urgent that it requires the public or Police to be put at needless risk.

Standardised car interiors

"We recommend consultation and consideration should be given to standardisation and ergonomics in police vehicles." (pp 3, 23)

5.25 Police sedans are now fitted out to a basic specification. However, the change has been brought about by alteration of the structure of the contract of supply within the last two years. Again, the Gibson Report was not the prime reason for the move. In fact the idea has been taken further than the Gibson Report suggested. Not only is there now centralised supply, there is also centralised fit-out. In combination, these changes are ensuring that the equipment inside police vehicles is always the same and that it is always in the same position. As different equipment is acquired, even more thought will

be given to ergonomics. Whilst a cockpit-style layout would no doubt be desirable, Police always have to weigh the benefit against the cost.

Sirens

"We recommend that consideration is given to and advice taken about a more efficient siren system and/or soundproofing police vehicles." (p23)

5.26 Tests were carried out some 3 years ago, since it was well recognised that the siren system was affecting all kinds of in-car communication. As a result of these tests, sirens are now fitted in the front of vehicles rather than on top. They still emit sound at the required level and are more satisfactory for vehicle occupants (although it is recognised that some officers still find both the siren and the noise of the rotating lights to be uncomfortably loud).

Microphones

"We recommend consideration ought to be given as well to some form of microphone placed conveniently to the position of the driver of the car and which may be activated without the need to remove one's hands from the steering wheel." (p24)

5.27 Currently one car is fitted with a device to turn the microphone on from the steering wheel. This has not proved entirely satisfactory. Drivers have found it difficult to locate the control when the car is being manoeuvred at speed. The function is easy enough when the car is being driven straight ahead. In-car microphones are all in a standard position in accordance with the uniform fit-out scheme described before.

Global positioning

"We recommend the technological advancement proposed as to a global positioning system as outlined to us by Superintendent Marlow." (p28)

5.28 At the time of the Gibson investigations, Superintendent Kevin Marlow was the manager of business development with the Police Information and Technology group. He was involved in a number of systems the Police were progressing at that time. Superintendent Marlow had described to the Gibson team:

- a communication and resource development system (CARD)

- an automatic vehicle location system (AVL)
- a status monitoring and calling system (SMACS), and
- a mobile data terminal project, in which a computer would be installed in all front line response vehicles.

5.29 Although CARD and SMACS have been implemented, and a mobile data terminal project was carried out in 2000 (but has since been on hold), it is perhaps too much to expect that all these systems would see the light of day within 7 years. The Gibson Report focused on a global positioning system in all police vehicles, which involved automatic display on computer maps in communication rooms. Some experiments with such a system took place at the Asia-Pacific Economic Conference held at Auckland in 1999. AVL is currently being evaluated and is described in chapters 6 ("management of pursuits") and 7 ("drivers and vehicles") of this report. Two things have hampered developments in this field: the first is lack of reliable satellite coverage; the other is cost.

Video cameras

5.30 The Gibson team noted that before the 1992 amalgamation between the Traffic Safety Service and New Zealand Police, the Traffic Safety Service had used video cameras in some patrol cars. After full quotations from the 1994 report of the Australian Staysafe Committee, the Gibson Report said:

> *"We endorse the recommendations and reasons expressed in Staysafe as to in-vehicle video systems." (pp 4 and 44)*

5.31 In essence, Staysafe recommended the installation of video cameras in all highway patrol and accident investigation vehicles. After a review of a UK working group report, the Gibson Report went on to recommend:

> *"that an evaluation is made and the technology studied to enable video cameras to be carried in all police cars." (p45)*

5.32 Police have considered the introduction of in-car videos from time to time. Most recently, their use as an objective assessment tool in training cars has been discussed. The current position is that in-vehicle video technology is subject to project research and development from both a technological and financial perspective.

Tachographs

> *"We do not recommend the installation of tachographs in police vehicles." (p46)*

5.33 As described by the Gibson Report, a tachograph is a device which obtains information about the use of the vehicle such as speed travelled and the effective operation of the vehicle. It is carried in the vehicle like the 'black box' in aircraft. This recommendation has been followed largely for the reasons set out by the Gibson Report (p45), namely:

- the tachograph can be used against police officers rather than being confined to gathering information
- the risk of invasion of privacy outweigh the benefits in fleet management
- its introduction could therefore cause personal grievance.

5.34 That said, Police are currently considering a trial of tachographs in Auckland (see chapter 6 "management of pursuits").

Electronic engine stoppers

5.35 These are devices to enable a pursuing vehicle to halt the fleeing vehicle by stopping its engine. The Gibson Report considered that these devices "may well become the ultimate control answer to stopping vehicles as everything else we have considered is not a total solution" (p46). The recommendation was:

> *"We, as in Australia and the United Kingdom, recognise that science and technology develops very rapidly in the world and the advance of such engine stopping technology ought to be continually monitored by the police, and we recommend accordingly." (p46)*

5.36 Although there has been considerable support shown for electrical vehicle stoppers among members of the public and police officers (see Bayless, & Osborne, 1998), this technology still remains a concept. The proposed external vehicle-stopping techniques are "direct injection" or "radiative":

- **direct injection** - this requires direct electrical contact with the target vehicle but the options for achieving this present serious obstacles for use in pursuits. For example, it requires direct injection to the target vehicle from pre-emplaced sources or either a moving or stationary platform

- **radiative** - radiated electrical techniques fall into two main classes: radio frequency/ microwave and electromagnetic pulse. There are still unresolved issues in the research industry on whether such methods are totally safe when considering the "power" required to immobilise the engine at the distances involved between pursuit and fleeing vehicles.

5.37 A major concern with the use of any electrical system is the potential for loss of vehicle systems that affect driver control, such as power steering and braking.

5.38 So while there has been research into the possibility of controlling either the offender's or the pursuing vehicle's engine by remote means this technology is not currently available and no police force in any part of the world employs anything like it. New Zealand Police will continue the monitoring envisaged by the Gibson Report, but will always bear in mind that exterior control of a vehicle might itself be highly dangerous.

Other methods of intervention

5.39 Since the Gibson Report there have been further developments of technology and equipment that may help Police to conclude pursuits safely including some that are mechanical, chemical and electrical. As with vehicle stopping technology, most are in early stages.

Mechanical

5.40 The systems outlined below are a non-exhaustive list of mechanical systems that represent some of the devices being developed for possible vehicle-stopping use.

*Tyre deflation device*s. In addition to the "Stinger" mentioned later in the report, another device known as "Stop Stick", supplied by Stop Tech Ltd, USA, has been accepted for use in Australia (Bayless, & Osborne, 1998).[30] However, it is also noted that companies in Europe are close to producing anti-deflation tyres.

Retractable spiked barrier strip. Unlike the commonly used tyre deflation devices, this prototype technology can be deployed on a roadway with the spikes retracted. The spikes

can then be activated from a safe position, to extend and target specific fleeing vehicles, but to retract and allow other vehicles to pass safely. Also, this unobtrusive strip can be placed across the road far in advance of the fleeing vehicle, with passing vehicles incurring no damage. One advantage with this device is that several could be placed safely across potential pathways of a fleeing vehicle and then activated as required.

Caltrops. This usually takes the form of a four-point metal "star," arranged so that when it is thrown on the ground, three of the points form a base on the ground and the fourth points up for puncturing. Caltrops can be easily dispersed from the ground or the air by the thousands, if necessary. A negative aspect is the removal of the caltrops, which would involve a tedious and costly process if large amounts were dispersed.

Nets or entanglers. These are made of high strength (eg Kevlar) mesh materials, coupled with a launching system to ensnare the drive wheels and axles or even surround the entire vehicle. Such a system is now being developed and tested under the US Army Armament Research and claims of a stopping capability of up to 60 mph have been cited, even for large trucks. Testing is still underway and areas requiring to be addressed are avoiding vehicle roll-overs, safety of deployment and the strength of attachment to the ground.

Vehicle tagging system. This proposed technology could conceivably be operated by the police member from the pursuit vehicle. The concept would consist of a launcher; a projectile that is less than lethal to bystanders if it should miss its intended target; a radio frequency transmitter tag embedded in the projectile; a polymer adhesive within the projectile to secure the tag to the fleeing vehicle; and a receiver-tracker.

Other potential technology. Also under consideration by the National Institute for Justice, US Justice Department for tagging or tracking vehicles are:

- sensors installed along the highway for identifying stolen cars as they drive by
- paint darts for marking vehicles for later location
- radio transmitters attached to cars that would assist in the deployment of patrol vehicles.

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30 Currently being used by New South Wales Police. Chosen after an extensive 2 year trial comparing three types of device.

Chemical

5.41 Most chemical systems that have been suggested or developed for stopping vehicles involve some means of introducing chemicals, in either gaseous, liquid, or solid (usually powder) forms into a vehicle engine through its air intake system. There, the chemical stops the engine by either negatively altering the fuel-to-air ratio necessary to continue internal combustion or by enhancing the combustion process to the extent that it causes violent "knocking" that can cause the engine to seize or be destroyed.

5.42 Unfortunately, the proposed chemical technologies have serious disadvantages. For example, there are problems in:

- delivering chemicals (such as engine clogging or combustion modifying materials) to pursuing police vehicles (Travis, 1996)
- targeting the vehicle being pursued with the required amount of chemicals to the air intake area
- maintaining adequate supplies of potentially hazardous materials on police sites.

Electrical

5.43 As mentioned in paragraphs 5.35 - 5.38 it appears that electrical vehicle-stopping has potential, but considerable research and development is required before a usable product is found, and certainly before police can evaluate its potential in police work such as pursuits. At this stage it is clear the proposed electrical technologies have serious disadvantages.

5.44 For example, there are impracticalities in:

- operating high-power microwave or electromagnetic pulse sources from the patrol vehicle, which would most likely require expensive "shielding" of the electronic or other systems in the patrol vehicle from interference;
- operating such radiation sources near airports or having less hazardous, but still interfering, effects on communication or computer systems.

5.45 At the conclusion of the work by the Pursuit Management Task Force (Bayless & Osborne, 1998), one phrase was frequently repeated: "There is no silver bullet." Of the various technologies reviewed, tyre deflation devices were found to be the most frequently used, and currently the most effective technology

readily available. The conclusions reached in the research determined that pursuit termination technologies must meet the following needs. They:

- must cause the pursued vehicle to come to a stop or, at minimum, cause it to be operated at such a reduced speed as to significantly reduce the risks associated with pursuits
- must be designed to pose no significant health hazard to the driver, other occupants, officers involved in the pursuit, or bystanders. Incapacitation of a driver is unacceptable
- must not significantly impair the pursued driver's ability to safely control the car. Loss of vehicle control is unacceptable
- cannot leave debris after use that causes a significant disruption to following traffic
- must have sufficient target specificity to minimise potential impact upon surrounding vehicles or persons.

Automatic number plate recognition

5.46 Automatic number plate recognition is a means of reading vehicle registration plates by fixed or mobile digital cameras using pattern recognition software. In the United Kingdom[31], the benefits from this technology have been shown to be:

- a substantial increase in the rate of detection of crimes
- an increase in officer safety, and
- fewer pursuits, because offenders in stolen cars know they have been photographed in the car from a number of angles.

5.47 Automatic number plate recognition has been thoroughly evaluated abroad. It should be assessed for use in New Zealand.

Simulators

5.48 Simulators have been an indispensable feature of civil aviation training for many years. They enable the instructor to test the pupil in circumstances that would be dangerous or impossible in the air. Likewise a driving simulator could have considerable benefits. In their recent pursuits review, Victoria Police assessed the strengths and weaknesses of driving simulators.

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31 PA Consulting Group (2003) "Engaging criminality - denying criminals use of the roads". Home Office, London.

5.49   Summarised these are:

Strengths

- simulators allow the learner to measure his or her improvement
- simulators promote research
- it is cheaper and safer to 'crash' on a simulator than on the road
- pursuits can be practised to gauge reactions and abilities.

Weaknesses

- initial costs are high
- modification and upgrading is necessary
- reliability apparently not as good as it should be
- preparation time exceeds training time
- software is limited and expensive to programme.

5.50   That said, there is scope for seeing whether a driving simulator might be useful in New Zealand. It seems that simulators are not common in Australia, so there might be a possibility of sharing the expense with Australian police.

Pursuit practice

Arrester devices

5.51   The Gibson team spent a good deal of time investigating and commenting on road spikes of various kinds. They also made a number of specific recommendations. The first of these was:

"We recommend where appropriate the use of spikes." (p29)

5.52   All recruits are trained in the use of road spikes and they are being used where practicable.[32] Further research is needed into refresher training for existing staff.

5.53   After noting that the average pursuit time and distance of the average pursuit are short, the Gibson Report went on to recommend:

"that road spikes are carried in all police vehicles and are therefore available at all times for deployment as appropriate." (p29)

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32   *Chapter 4 revealed that road spikes were deployed on less than 5% of pursuits and suggested this was because most pursuits are over before the spikes can be located and then put into position.*

5.54   Although present numbers and locations of road spikes are unclear, the Gibson Report objective of one set for every vehicle is no nearer now than it was in 1996. Every rural police station has a set, and sergeants' vehicles generally have a set. Some Highway Patrol cars have a set and some do not. Only three sets are apparently available in the entire Wellington locality. Reasons for lack of take-up are given as

- cost
- bulk
- difficulty of deployment, and
- the short distance of most pursuits.

5.55   During a review of the Stinger type of arrester device, the Gibson Report recommended:

"...consideration of the larger model of the 'Stinger' type spikes to equip all police vehicles." (pp 3 and 31)

5.56   In his report following the Surrey visit (see paragraph 5.17 above), Sergeant Rippon also recommended the use of Stingers. He pointed out that the Stinger is lightweight and compact. "The potential to shorten pursuits with stinger is far greater than the current issue and further enhanced by introducing compulsory training in their use during the recruit driver training programme". Trials have been conducted and a demonstration video is available. Yet to date no stingers are available for operations.

5.57   In its first negative recommendation, the Gibson Report said:

"We do not recommend the use of road spikes to stop motor cyclists or heavy vehicles such as trucks." (p32)

5.58   New Zealand Police have always accepted this. The training material on the use of road spikes strongly emphasises that they should never be used against a motorcycle. Though there is no specific reference to heavy vehicles, use of road spikes in an attempt to slow or stop them is understood to be forbidden. In any case, few heavy vehicles are involved in pursuits.

5.59   Over a four page detailed presentation, the Gibson Report explored the cost efficiency of equipping all police vehicles with road spikes. The results showed clearly that there would be a substantial economic benefit to the nation if all frontline vehicles were equipped with road spikes. "For an investment of less than $3.5 million ... a potential saving in crash

costs of $16.25 million is indicated" (p 35). It is hardly surprising that the fifth and final recommendation on road spikes reads:

"We recommend, therefore, that the cost efficiency in equipping all frontline vehicles with road spikes demands their deployment, as public safety will be substantially enhanced, particularly considering the predominant reckless offenders involved." (p35)

5.60 The totality of these prescriptive recommendations and the lack of meaningful police response to them form the greatest contrast arising from the Gibson Report. However, chapter 4 ("the nature of pursuits") made it clear that road spikes are only helpful where the pursuit is of long enough duration for a police vehicle to position itself in an appropriate spot and lay down the spikes safely. Even if every police vehicle was equipped with road spikes, the fact that most pursuits are short suggests that they may not be able to be deployed much more frequently than at present.

Moving blocks

5.61 The Gibson team had the moving block technique demonstrated to them and described it in their report (p 36). It is to be distinguished from the boxing tactics referred to and recommended by Sergeant Rippon in 1998 (see paragraph 5.17 above). The Gibson Report recommendation on moving blocks was:

"We recommend the continued use of moving blocks but subject to the limitations on its effective use without injury or major damage we refer to above." (p37)

5.62 New Zealand Police have effectively rejected this recommendation. The moving block is no longer approved. The main reasons are:

- the tactic was not used properly by trained officers
- training was not continued in districts, and
- untrained officers employed what they thought was a moving block, endangering themselves, the offender and the public.

Shooting to deflate tyres

5.63 After a single sentence on North American practice, the Gibson Report commended the printed notebook warning for New Zealand Police and said:

"We endorse that direction and recommend that shots are not fired to stop a fleeing vehicle nor diversionary grenades or other projectiles used for that purpose." (p39)

5.64 The practice of New Zealand Police remains as before. Neither guns nor diversionary objects are used to stop fleeing vehicles.

Air support

5.65 There are certainly pursuits where air support has proved invaluable. The Gibson Report cited some and others have occurred since. The recommendation reads:

"We recommend continued investigation as to the feasibility of air support in pursuits." (p41)

5.66 The Eagle helicopter is used whenever possible in the greater Auckland area. In other areas, helicopter use is on an "as and when required" basis such as a sustained pursuit in a serious case. A local helicopter (such as that used for search and rescue activities) may be called and a police officer uplifted to accompany the pilot. Given the short duration of most pursuits, opportunities to deploy a helicopter are rare.

5.67 With increasing use of helicopters in other jurisdictions, notably the US, limitations on their deployment are becoming more apparent. For instance:

- offenders are continuing to flee, even after ground units have patently abandoned their pursuit, because offenders assume there is a helicopter above them;
- where streets are narrow and underground routes common, helicopters are of limited use;
- airspace prohibited to helicopters is known to offenders who seek the sanctuary of the areas below.

5.68 Eagle is, however, a valued resource for Auckland. In the year to 31 June 2003, the aircraft attended 90 pursuits and from these 161 people were apprehended. Generally, Eagle becomes involved in the longer pursuits, spending an average of 26 minutes on each pursuit in the 2002/03 year. Yet Eagle was involved in one fatal pursuit in the 1996-2002 period showing that helicopter use does not guarantee a safe outcome.

Control of traffic lights

5.69 Some police agencies abroad are authorised to operate traffic lights to aid a pursuit and increase the safety of other road users. The Gibson Report saw advantages in this and said (p 47):

"We recommend that the police (and other emergency services) be given the power to control traffic light systems in such emergency situations." (p47)

5.70 Pursuits are random and tend to be brief. The direction of pursuits cannot be predicted. Time is of the essence. New Zealand Police did ensure that the Communications Centres developed an arrangement with local authorities to enable traffic systems to be controlled and overridden, but use of this arrangement is rare if not unknown. While the idea of controlling the lights so that other traffic is not endangered by the offender's reckless driving is attractive, the short duration of most pursuits makes this impractical. At present, Police see no prospect of changing the status quo, and no pressing need to do so.

Control room practice

5.71 The Gibson Report made a brief comment (p98) on control room techniques, suggesting there might be the possibility of practising the control of a pursuit. The recommendation was:

"As continuing training these are control or communications room training which merit consideration and putting into effect and we recommend accordingly." (sic, pp 4, 98)

5.72 The meaning of this recommendation is rather difficult to fathom, especially given the lack of background in the report. Currently, control of pursuits is not practised except during a real pursuit. There are plans for a peer review of the performances of both operators and supervisors. In this, the following would be studied:

• the circumstances surrounding the pursuit
• the taped radio conversations
• the chronology of events.

5.73 In addition, it is envisaged that communications centre staff should undergo commentary training. This would involve practising the type and style of questions that operators should ask the police officers involved. Chapter 6 ("management of pursuits") also discusses this matter and recommends the development of clear guidelines for pursuit training.

These guidelines should include input from Communications Centres and cover deployment tactics, best practice and associated risks and radio procedure.

Commendation for calling off pursuit

"We recommend that a police driver who abandons the pursuit in the interests of safety ought to be appropriately commended." (p21)

5.74 This seems like a good idea at first glance. But as the Gibson Report recognised, peer pressure may encourage pursuit beyond safety. It is one thing to say, as the Gibson Report did (p 21), that no criticism should be mounted because a pursuit is abandoned. It is quite another to say that the officer should be commended. In any event a high proportion of pursuits are abandoned at the call of the communications centre supervisor and not the police driver.

Conclusion

5.75 Many changes in pursuit procedure and practice have happened since the Gibson Report was published in 1996. Most of these did not derive their impetus from the Gibson Report - in particular, the body of work on General Instructions for urgent duty and pursuit driving coupled with the Safe Driving Policy which evolved from it. So too, the changes to driver training were instigated by Police College staff rather than principally by the Gibson Report.

5.76 The most striking finding in this report is the lack of meaningful response on the recommendations of the Gibson Report relating to the use of road spikes. However this report has shown there are arguments for increasing the number of road spikes, particularly if there is a light-weight, inexpensive and reliable model available. But the increase may not be necessary since most pursuits are over before the device can be deployed.

5.77 The chart which follows is an attempt to show at a glance what the outcome of the Gibson Report has been. The chart is necessarily subjective and the actions cannot be said to be the result of the Gibson Report. In fact the changes which the Gibson Report might have brought about are apparently few. Only six of the 28 recommendations (or 25 omitting

the 3 legal recommendations) show a positive response. Even that is illusory, because 3 of these (15, 18 and 22) were negative in nature. Two of the other 3 (standardised car interiors and repositioning siren) were implemented independently. Only increasing the length of driver training for recruits seems to have been the direct result of the Gibson Report.

TABLE TEN: POLICE ACTIONS RELATING TO GIBSON RECOMMENDATIONS

Topic	Recommendation number(s)	Action				
		Acted on	Not acted on	Partially acted on	Under consideration	No Change
Recruit training	1	✔				
Manfield Track training	2		✔[33]			
Tutor training	3, 4			✔		
Armed offender squad process	5		✔			
Check lists in vehicles	6		✔			
Commendation for abandoning pursuit	7		✔			
Standardised car interiors	8	✔				
Siren	9	✔				
Hands-free microphones	10		✔			
Global positioning system	11				✔	
Spikes	12, 13, 14,16		✔			
No use of spikes for motor bikes or trucks	15	✔				
Moving blocks	17		✔			
Shots	18	✔				
Air support	19					✔
Video cameras	20, 21		✔			
Tachographs	22	✔				
Engine stopping	23					✔
Traffic lights	24		✔			
Legislative change - seize vehicle for forensic exam	25	✔				
- power to request name of driver	26	✔				
Legislative advice on statutory provisions	27		✔			
Communications practice	28		✔			

33 This recommendation was initially acted on, but then reversed - see para 5.11

CHAPTER SIX - MANAGEMENT OF PURSUITS

Scope of this chapter

6.1 This chapter provides an overview into some of the difficulties faced by the Communication Centres in the management of pursuits.

6.2 The matters addressed in the chapter include:

- the role and responsibilities of the police driver in the course of a pursuit;
- the role and responsibilities of the communication centre ("Comms Centre") in the management of a pursuit;
- the use of technology by the three Comms Centres when faced with the current pursuit environment;
- issues raised by the Comms Centres concerning the management of pursuits;
- discussion on the future direction of pursuit management, namely the use of technology.

Method

6.3 This analysis was conducted by reference to formal police documents such as General Instructions, interviews with Comms Centre staff (including managers and dispatchers) and observation of the Comms Centre environment. Where possible the concerns of Comms Centre staff have been incorporated into this chapter. The final section gives additional information on issues common to all three centres (North Comms, South Comms, and Central Comms).

Definitions

6.4 A pursuit is defined as existing when the driver of a motor vehicle knowing that they are being signalled by a police officer to stop, fails to stop, takes deliberate action to escape apprehension and Police commence action to pursue the escaping vehicle.[35]

6.5 The legislative provisions authorising New Zealand Police to stop vehicles in specified circumstances are provided in the Land Transport Act (LTA) and the Crimes Act (CA) 1961.[36] These are outlined in paras 3.3 and 3.4.

6.6 According to paragraph (3) of General Instruction V003, "When a driver has been signalled to stop in accordance with s.114 of the Land Transport Act 1998 or s.317A of the Crimes Act and knowingly fails or refuses to do so, a pursuit may be initiated". Obviously a pursuit could also be legitimately initiated under the powers set out in sections 314B and 317B of the Crimes Act 1961. The General Instruction should be updated to reflect this fact.

6.7 The act of a driver failing to comply with the above legislation, ie failing to stop, then allows the Police to enforce the Acts by facilitating the apprehension of the driver to effect an arrest (Crimes Act 1961 s.314D(1)(a), Land Transport Act 1998 s.114(6)(a)).

6.8 At present, a pursuit has been classified in police documents as either imperative or elective. An imperative pursuit is where a clear danger to the public has been identified. An example of this may be an armed escapee or a reckless driver. An elective pursuit is where a driver has been directed to stop, and knowingly fails or refuses to do so[37]. Interestingly, no reference to these distinctions appears anywhere else in management documentation. Even General Instruction (GI) V001 on definitions goes no further than the broad description noted above.

6.9 It seems unusual that these descriptions have been developed but feature nowhere in the decision making process on whether or not to initiate or continue the pursuit. The difficulties posed in making a distinction is similar to that discussed by Best (2002) when he criticises the distinction in pursuit training in England and Wales between a "pursuit" and a "follow". As said in chapter 3 ("the law"), use of the terms imperative and elective to describe pursuits is unnecessary and confusing and should be removed.

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35 *General Instruction V002 - Definitions, Ten-One 140/11.*

36 *General Instruction V003 - Authority to Initiate Pursuit, Ten-One 140/11.*

37 *Refer to the Comms Centres Intranet site - Master Standard Operating Procedures (MSOP) and Dispatcher Training Manual.*

The role of the communications centre

6.10 The role of the Comms Centre is defined in two General Instructions. GI V002 states the controlling officer is the dispatcher or Comms Centre supervisor, or the officer's immediate supervisor. The fact that so many individuals may be in control causes confusion and conflict between the Comms Centre and the field supervisor. This area needs clarification. There should be a hierarchical supervision structure, with appropriate delegation of responsibility in certain circumstances.

6.11 The responsibility of the Comms Centre is one of monitoring and supervising the pursuit and the co-ordination of operational resources[38]. In general this means:

- establishing the reason for the pursuit
- controlling the number of vehicles involved
- constantly reassessing the situation on weather, traffic, offending driver's behaviour, speed and road conditions to ensure continuation is justified by obtaining this information from pursuing units
- arranging the deployment of air surveillance, road spikes and other pursuit techniques where appropriate
- where circumstances no longer justify it, directing staff to abandon, and
- providing supervisory feedback as appropriate.

6.12 Similarly General Instruction D061A[39] states that the supervising non-commissioned officer at the control room or watchhouse shall "take charge of the pursuit and inform the pursuing driver of this fact". As it stands this General Instruction indicates the transferring of the responsibility solely to the Comms Centre and away from the pursuing driver.

6.13 There are a number of problems with terminology used in this General Instruction that should receive attention:

- "supervising non-commissioned officer" - in the Comms Centre the supervisor is likely to be a sworn (Sgt) or non-sworn Team Leader or may be overseen by an Inspector

- "at the control room" - district control rooms were centralised into 3 Comms Centres in 1996

- "or watchhouse" - for practical reasons it is unlikely that the local watchhouse non-commissioned officer would be able to "take charge of the pursuit" from the station, and this reference should be deleted.

6.14 In making decisions, the dispatcher relies entirely on the information radioed from primarily the leading pursuit vehicle (other vehicles involved may also supply information). As control rooms did in the past, the Comms Centres provide a less adrenalin-led approach in their supervision and management of the event. However, as they are reliant on the information provided to them, and the pursuing driver is in ultimate control of their own actions, the latter must retain primary responsibility for abandoning the pursuit.

6.15 As found in Study B (Chapter 4 "the nature of pursuits"), the information passed to the Comms Centre may be incorrect, understated, distorted, vague, absent or late. This does not allow the Comms Centre to make fully informed decisions. A pursuit is a pressurised situation, often requiring simultaneous assessment of information, immediate decision making and critical incident management. For these reasons the Comms Centre should not be solely or primarily responsible for the management of a pursuit. However, if on the information received the Comms Centre believes that the pursuit is no longer reasonable or justified in the circumstances, the directive must be given to the pursuing vehicle(s) that the pursuit is to be abandoned.

6.16 The role of the supervisor (which is now undertaken in the majority of cases by the Comms Centre) is to provide procedural direction and support that is free from the emotions and adrenalin of the officer driving the vehicle. To provide this procedural direction, practical guidelines need to be written and readily available to all staff. Officer discretion must always be recognised. As much as possible, a standard course of response to this potentially high risk situation, along with appropriate training and supervision should allow staff to feel confident in their decision making ability, and that these decisions will withstand scrutiny. The

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38   General Instruction V008 - Controlling Officer's Responsibilities, Ten-One 140/11.

39   General Instruction D061A - Driver Supervision - Pursuits.

aim of the Comms Centre is to assist the driver in making the best decision given the individual circumstances faced at that time.

6.17 There have been two major changes affecting the management of pursuits since the Gibson Report. First, Police moved from district control rooms to centralised Comms Centres in 1996. The Centres are now based in Auckland, Wellington and Christchurch and have a wider sphere of coverage than did district control rooms. The intimate local knowledge that existed previously has reduced. Communicators and dispatchers are less likely to have either lived or worked in the localities they cover, especially in the rural areas. This is not to say that all local knowledge has been lost, and if necessary, field staff can give assistance in pinpointing a location. On the other hand, field staff can also be unfamiliar with the area in which they work, especially if they are just out of the Police College or have recently transferred.

6.18 Second and more notable has been the move towards civilianisation. Communicators answering the emergency and general calls are all non-sworn. Increasingly the subsequent "event" that is generated is now being dispatched and supervised by a non-sworn staff member (although there are still sworn shift managers). Even though this change has been taking place since 1996, it may be the cause of aggravation and resentment on the part of operational staff when pursuits are called off. Operational staff sometimes question decisions made by the Comms Centre over the air. The confusion on control and supervision responsibilities does not help. This confusion is dealt with more fully below.

The police driver's responsibility

6.19 The General Instructions discussed below relate to the responsibilities of police drivers during pursuits. Both purport to be the definitive policy on the subject.

6.20 General Instruction V004 (found under the Motor Vehicle Pursuits group owned by the National Road Policing Manager) states "the primary responsibility for the initiation of and conduct of a pursuit rests with the police officer driving the primary patrol vehicle"[40]. The driver

must "exercise every care to ensure the safety risks of undertaking a pursuit are reduced as far as possible in all the circumstances".

6.21 In relation to the police driver's responsibilities, General Instruction V004 states that when undertaking a pursuit the police driver is to:

- immediately advise the Communications Centre or supervisor with concise reasons for initiating the pursuit, supplying relevant vehicle and occupant descriptions, direction of travel, actions of the fleeing vehicle and traffic and pedestrian conditions;

- use warning lights and siren;

- drive at a safe speed at intersections and other potentially dangerous places;

- maintain radio contact with the Communications Centre or supervisor giving accurate updates on conditions surrounding the pursuit;

- constantly reassess the situation to ensure the continuation of the pursuit is justified and that no other less dangerous means of stopping the vehicle is reasonably available;

- if the pursued vehicle stops, ensure it remains stopped using such reasonable force as may be necessary;

- abandon the pursuit when directed by a controlling officer; and

- complete a pursuit report.

6.22 As well as General Instruction V004, General Instruction D061 (found under the Departmental Motor Vehicles grouping owned by the General Manager: Finance) states "drivers are legally responsible for their action".[41] This refers to General Instruction J026 - indemnity and insurance - drivers of government vehicles, section 8, which states that an individual member may have to defend themselves, at their own expense, if they are charged with a criminal offence or a breach of traffic regulations or other infringement of the law, even though the charge has arisen out of the conduct of their duties.

6.23 The driver must also "exercise every care for the safety of passengers and public and must bear in mind that no call is so urgent as to require a vehicle to be driven in a manner or at a speed whereby life or limb is endangered or where damage to any vehicle is likely."

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40 *General Instruction V004 - Police Driver's Responsibilities, Ten-One 140/11.*

41 *General Instruction D061 - Drivers' Responsibilities - Pursuit (no publication reference).*

6.24 The General Instruction also states, in seeming contradiction with General Instruction V003, that "the fact that a vehicle is being driven at an excessive speed is not in itself sufficient grounds for a high-speed pursuit". Excessive speed has clearly been identified as a priority for bringing down the road toll. Therefore to suggest that any excessive speed displayed by an offender who then fails to stop is insufficient grounds for a pursuit seems to call into question current road safety policy and practice. Moreover, as established elsewhere in this report, the initial reason for a police officer attempting to stop a vehicle is over-ridden by the offender's decision to flee.

6.25 What is not explicit in either General Instruction is who has the right to make the decision to abandon the pursuit. The process for assessing if risk outweighs any benefit that may have been gained by apprehending the fleeing driver should be assigned explicitly to both driver and supervisor. Responsibility for abandoning when directed to do so also needs clarification. For example, does it apply only to the primary pursuing vehicle, or to all police vehicles that participate to some degree in the pursuit? This topic is discussed in more depth in a subsequent section.

6.26 A more extensive description of what constitutes involvement in the pursuit is required. This should also be extended to cover those pursuing units who have not identified themselves to the dispatcher or Comms Centre supervisor. Additionally, the procedure of abandonment should also be explicitly assigned here. At present there is no General Instruction to cover what is expected of the driver or drivers involved when withdrawing from the pursuit. This is discussed later in this chapter under the section on continuing or abandoning pursuits.

6.27 When the pursuit vehicle is other than single crewed, the passenger also has responsibilities in a pursuit[42]. Ideally this member is to:

- constantly assess the situation developing;
- offer advice to the driver regarding the route being followed, the general environment and the dangers of the situation;

- record as far as practicable all facts that go towards later evidence;
- make all radio calls and operate the warning devices as necessary.

6.28 At present, the *PURSUE form does not require details of whether the pursuit involved a single-crewed or double-crewed vehicle. Adding the requirement to enter any police passenger's identification code (QID) to the form would help in future evaluations of pursuits.

6.29 Where the unit in pursuit is single crewed, the frequency of radio transmission coupled with driving at high speeds poses significant difficulties and risk to the police driver. Possible solutions to overcome this will be discussed later in this chapter under 'Current Technology'.

Health and Safety in Employment Act 1992

6.30 As explained in chapter 3 ("the law") the controlling officer helps to fulfil the Commissioner's responsibilities under the Health and Safety in Employment Act 1992. Although the Act has no explicit statutory requirement for 'supervision' and 'monitoring', both actions could be considered to be "practicable steps" as required by the Act. Thus it is sensible to ensure there is supervision when an employee is working in a hazardous situation, and that the employee's exposure to the hazard is monitored. This function is effectively carried out by the Comms Centre and covered by General Instructions requiring the maintenance of radio contact throughout the pursuit (eg GI V004).

6.31 Section 19 provides guidance on the duty of employees. The employee (eg the police driver) has a duty to not harm himself or herself, or any other person. This is critical when deciding whether a pursuit should continue or be abandoned. But as mentioned previously, explicit and joint responsibility on both driver and supervisor should be expressed in the General Instructions and any related policies.

Abandon or continue pursuit

6.32 Articulated in General Instructions is a statement that covers when to abandon a pursuit, but not how to reach this conclusion. There is no clear method for a decision making process on continuation or abandonment of a pursuit.

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42 *General Instruction V007 - Police Passenger's Responsibilities, Ten-One 140/11.*

General Instruction V006 (abandonment of pursuit) states that:

A pursuit will no longer be justified and is to be abandoned when the continuation of the pursuit poses an immediate and serious risk to the safety of any person and that risk:
(a) exceeds the risk for which the pursuit was initiated; or
(b) is not outweighed by the need to apprehend the suspect.

6.33 General Instruction V005 (continuation of pursuit) sets out the factors that should be taken into account when considering whether the continuation of a pursuit is justified. These factors are:

- the safety of the public, police officers and fleeing driver;
- the influence the pursuit appears to be having on the fleeing driver's driving;
- the number of persons in the fleeing vehicle giving the immediate potential for innocent parties to be injured;
- when the fleeing driver's identity becomes known or can be reasonably established by other means;
- if an arrest can be made later whether or not the identity of the fleeing driver is known.

6.34 After a pursuit is initiated, a warning is issued to the pursuing unit advising them to consider abandoning due to risk (as per General Instruction V006). It is clear from the Comms Centres intranet policy on pursuits (taken from the Dispatcher Training Manual) that the issuing of this warning is imperative and must be given by the dispatcher as soon as they are advised a pursuit has started.

6.35 There also appears to be no explanation about what is meant by "abandon pursuit" and how the order relates to the primary vehicle and all other police vehicles. No specific requirements exist, for example to inactivate lights and sirens or pull over to the side of the road and stop. As discussed in chapter 2 ("the wider picture"), the actions of pursuing officers can influence the driving behaviour of the fleeing driver. Unless the abandonment is overt the fleeing driver may still believe they are being pursued even though the call to abandon has been made. The method of withdrawal must be clear and definite.

6.36 General Instruction V002 says the "controlling officer" in a pursuit is the dispatcher or Comms Centre supervisor. General Instruction V008 then outlines the controlling officer's responsibilities, including issuing the instruction to abandon the pursuit. As mentioned previously, the role of the Comms Centre supervisor should be to provide procedural direction and support in a stressful and potentially dangerous situation. The decision to initiate is at the discretion of the police driver, and similarly, in the first instance, the police driver should also be responsible for the decision to abandon. The Comms Centre does not have the visual cues available to the officer in the field. Moreover, the Comms Centre must base its decisions on information which is often distorted, confused or understated.

6.37 Recent technological developments enable decisions to be made from a more informed basis. There is then no need to rely entirely on second hand information given in the heat of the moment. Use of modern technology should improve consistency and acceptance by field staff. It will also allow decisions to be scrutinised and used for training.

6.38 Above all, an assessment of risk is foremost in the decision to continue or abandon. When the decision is made to abandon, it is not made lightly. All the circumstances at the time are taken into account. Pursuing staff must understand that the directive to abandon means just that, abandon the pursuit. Continuing to follow the offender at a distance is therefore not abandonment.

6.39 As a final point, no General Instruction specifically deals with the re-start of a pursuit that has previously been abandoned. Presumably a re-start should be treated exactly as an initiation but it would be useful to include some specific wording to cover this point.

Review of pursuits

6.40 The Comms Centres review all pursuits[43] especially where training issues are identified and where property damage or injury has occurred. These reviews may be formal or informal. A formal debrief may involve Comms Centre staff and the district staff concerned, followed up

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43   *The extent to which reviews are undertaken may vary between Comms Centres. Generally, very short pursuits are not reviewed.*

with training notes supplied to the district. An informal review takes place within the Comms Centre as a basis for on-going improvement and inclusion in future training.

6.41 The main source of material comes from the radio transmission recording made at the Comms Centre. Each transmission is captured on digital video disc (DVD) and is archived off site. The recording is automatic and compulsory, is date and time stamped and the DVD is non re-writeable. The move to DVD recording has been a recent one, since mid to late 2002. Before that a system of audio tapes operated. Audiotapes were over-recorded approximately on a monthly basis, depending on the workload of the Comms Centre. The system change took advantage of technology advancements and the expanded capability to store information[44].

Current technology

Radio communication

6.42 Radio communication is the prime source of information available to the dispatcher and the field supervisor. Information relayed from the pursuing vehicle is often difficult to understand through the background interference of sirens and other noise. This, in addition to the excitement and stress of the pursuit, does not create an ideal situation in which to be making critical judgements.

6.43 It is crucial that all communication is clear and concise. An attempt is made to keep the channel clear as updates are required almost continuously.

6.44 Training in good communication procedures would improve this area. Knowing what to say and how to say it to get a clear message across requires training, practice and discipline. A disciplined process of simple techniques assists everyone when under pressure.

6.45 Problems with radio communication are discussed later in this chapter under "limitations faced by current technology".

Computer aided dispatch

6.46 The Comms Centres use a software product known as 'Computer Aided Dispatch' (CAD) developed by Intergraph Public Safety Ltd. This particular CAD product is also being used in Australia and the United States, and is a map and text based graphical product that allows Police to manage and monitor resource deployment across the country. All status information, whether it is dispatch and arrival at the scene, or creating or 'resulting' (completing) jobs, is time stamped and stored in the database. Additional information in free text form can be added to the remarks of an event and these are also time stamped and saved.

6.47 The system consists of 2 linked screens and a master keyboard. The graphical application presents the location of an event in text form and additionally by representative symbols displayed on a map once a Unit has been assigned. Information is collected on the unit as status changes occur, but the location of the unit does not change until it becomes "available" from its current job or is assigned to a new one. This presents obvious problems in high speed pursuits. In these instances:

- the location of vehicles needs to be constantly updated
- the direction of travel is crucial
- possible hazards need to be identified, and
- where to place spikes, road blocks, and additional vehicles should be clear.

6.48 Various methods exist for graphically presenting the pursuit on the map, but these are all manual and time consuming. The priority for the dispatcher and supervisor during the pursuit is to bring it to a safe and satisfactory conclusion in the shortest time possible. As the radio conversations are being recorded (and time stamped), there is little need to capture manually all the information provided by the police driver. It is only a historical account that takes time and diverts attention from the task at hand. The manual method has no obvious advantage.

Air support

6.49 The availability of air support is inconsistent across the country. As covered in chapter 5 ("recent developments") air support is used in various scenarios in the pan-Auckland area. The Air Support Unit (Eagle) provides a commentary to the Comms Centre as well as a visual display which is available in real time on a screen in the

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44 *This change-over was possibly the reason a number of 2002 pursuits could not be audited in Study B, chapter 4 ("the nature of pursuits").*

Centre.[45] The obvious advantage of coverage from the air is the reduced risk to police drivers, the fleeing driver and the public. Unfortunately this form of support is not available nation-wide. Eagle operates on most days but for a limited number of shifts.

6.50 In extreme cases local helicopters and in some cases fixed wing aircraft are called out. These operate without the visual link to the Comms Centre, and have been relatively successful. Yet the length of time required to get some form of assistance airborne is a major constraint. This problem was encountered in one of the Central District fatal pursuits (see Study C, chapter 4 "the nature of pursuits").

6.51 If Police are to take advantage of this excellent resource, targeting to risk needs to be considered (although it has to be recognised that pursuit coverage is only one of the many functions carried out by the Air Support Unit).

6.52 From information in chapter 4 ("the nature of pursuits"), the busiest day of the week is Saturday (20% of pursuits happen on this day), followed by Friday and Sunday. When looking at time of day, 61% of all pursuits between 1996 and 2002 occurred between 10pm and 4am. Given this profile there is an adequate match of airtime to pursuit risk. Twilight shift coverage occurs on Thursday, Friday and Saturday (6pm to 2am), but there is no coverage at all on Sunday. Other shifts are also covered but twilight coverage is the ideal match for the pursuit profile.

6.53 The Computer Aided Dispatch system and the Eagle helicopter are the two main types of technology available for use in pursuit management at present.

Limitations faced by the current technology

6.54 There are a number of problems affecting good management of pursuits. These can be summarised as follows.

- *Radio congestion.* Radio channels are already facing high usage, with no ability

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to move the pursuit to a free and clear channel. In some instances channels are linked to others through increasing work volumes and staffing constraints within the Comms Centre. Even though an attempt is made to keep the channel clear, major operations and even business as usual can mean that pursuits compete for airtime. In cases of channel linking, officers from different areas compete with fellow officers and the Fire Service for free radio time.

- *The quality of radio reception.* Communication is often hampered by distorted radio transmission. Background interference in the form of road noise, sirens and wind cause problems when trying to obtain situation reports. Problems also occur if the officer shouts into the microphone or where the microphone activation switch is faulty or operated incorrectly (there is approximately a two second delay between pushing the button and speaking).

- *Single crewed drivers.* Using the radio while driving at high speeds requires considerable concentration by the driver in a situation which is already risky.

- *Lack of visibility of all units in the pursuit.* The Comms Centre cannot see where the units are. In a pursuit the dispatcher or Comms Centre supervisor relies on those involved in the pursuit identifying themselves. That person also assumes that all units do in fact abandon pursuit when instructed.

- *Logging on new units.* Not all available units in the vicinity are registered with the Comms Centre at the start of a pursuit. Having to identify and "log on" units while the pursuit is in progress adds to the stress, diverts the dispatcher's attention away from the pursuit and ties up the radio channel.

- *No information on speeds.* No objective or complete information is to hand on speeds being reached during pursuits. Assessment by the pursuing unit is usually all that is available during the event (and later when the pursuit is reviewed).

- *Driver's skill level.* There is no ability to access a database of the driver's skill level. At present some dispatchers make a pseudo assessment of driver skill-level based either on their own length of time dispatching or

on prior knowledge of the particular driver involved. This is subjective and based on no practical driving information, and places the dispatcher (or supervisor) at high risk should things go wrong. Currently decisions are based on environmental and situational factors only, such as weather conditions, locality, traffic volumes, and whether pedestrians are present. Even these can only be taken into account if they are conveyed to the Comms Centre.

- *Information about police vehicle.* There is no database from which Comms Centre staff can gain information on the police vehicles involved in a pursuit. A vehicle may be unsuitable for use in a pursuit. For instance it may have a known mechanical problem, but may still be assigned because this information is not available to the dispatcher.

- *Road spikes.* Spikes have proved themselves a successful means of bringing a pursuit to a safe conclusion (albeit in only a small proportion of pursuits). The model used by New Zealand Police is, however, large, heavy and costly. The number of sets of spikes in vehicles is therefore relatively low. This means they are difficult to locate quickly when needed for a pursuit. A database facility for spikes (and other equipment) is available as a blank field on the current dispatcher's screen, but is not currently in use.

- *Pursuit event code.* An obvious deficiency is the absence of a specific event code for pursuits. Because of the use of non-specific event codes, it is difficult to get a true picture of the number of pursuits undertaken. Events can be recorded a number of ways. The Dispatcher Training Manual suggests using "either a field event coded 3T (turnover) or 1U (traffic incident) or a normal event" [46]. Many pursuits are over almost before they have begun - the median length is 4kms, and 75% are under 10km. Some will be notified to Comms Centre as a pursuit in progress, some will not be recorded. If a suspect is apprehended an event should always be created.

To introduce a pursuit code (preferably as a field event) would enable the activity to be recorded easily. It would also allow for more accurate recording and assessment. Both chapter 2 ("the wider picture") and chapter 4 ("the nature of pursuits") point out the possibility of an under-recording of pursuits. Given that all pursuits, no matter how minor, should be communicated to the Comms Centre, the existence of a specific event code would help identify them and gauge the accuracy of pursuit records in the *PURSUE system.

The future

6.55 Use of technology is one way by which Police can improve the performance both of the Comms Centres and police drivers. Computer products are readily available in the market. The technology is in most instances not new, although enhancements are being made all the time. What needs to be taken into consideration, though, is that any adoption of "new" technology (that is, new to New Zealand Police) must be in line with the Information Systems Strategic Plan. The technology enhancements suggested below fall within this strategic direction.

Driver classification

6.56 The proposed Professional Police Driving Programme (see chapter 7 "drivers and vehicles") will see the implementation of a classification system for both police drivers and police vehicles. The programme incorporates workplace assessment of driving skills, therefore the opportunity will exist to have that skills knowledge available to the dispatcher and Comms Centre supervisor. Preliminary investigation suggests it would be possible to download an individual driver's classification from Police human resource (HR) systems (either PHRIS or PeopleSoft) to the Computer Aided Dispatch database, although an additional field may need to be added in to the HR system to capture this information.

6.57 But at present, personnel information is not readily accessible to the dispatcher. Research into how the information could be delivered to the dispatch screens shows that it would involve a cumbersome procedure. For example, an additional process of 2-3 drop down menus or right mouse clicks would be required. When time is of the essence this is not the best solution.

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46   *Refer to the Comms Centres Intranet site - Master Standard Operating Procedures (MSOP) and Dispatcher Training Manual.*

6.58 The recommendation would be for the driver to state their driving classification to the Comms Centre dispatcher. If the vehicle is double crewed and drivers change part-way through the shift, this system allows good flexibility, especially significant if the drivers are of differing grades. This would save having to enter this additional information every time the member logs on. As a back-stop, this information is recorded as part of the radio voice recording at Comms.

Vehicle classification database

6.59 The proposed Professional Police Driving Programme also involves a database classifying all police vehicles. Once again, therefore, the opportunity exists to have that information readily available to the dispatcher. The way in which the information is presented to the dispatcher would allow vehicle and equipment to be presented alongside Unit identification numbers on the screen. At present there is a blank field that could be populated immediately with vehicle classification information, using data that could be maintained by districts. Once the driving programme has been approved and implemented the formal classifications could be entered and downloaded to the Computer Aided Dispatch database.

6.60 The database should include the presence in any vehicles of specialist police equipment. In particular, with vehicles approved for pursuits (such as "police-pack" sedans) the classification information could include whether they are carrying road spikes or some type of "arrestor" device as part of their standard on-board equipment. This information could be updated at district level, along with any vehicle regrading, and be downloaded for on-screen reference by the dispatcher.

Automatic vehicle location

6.61 Automatic vehicle location (AVL) is a satellite based global positioning system that would enable the Comms Centre to automatically view mapped locations of police vehicles. The current system of 24 satellites, owned and operated by the United States military, has from any point on the earth 4 satellites above the horizon. Each satellite contains a computer, an atomic clock and radio. The satellite continually broadcasts its changing position and time, and once a day checks its own time and position with a ground station - making corrections where necessary. A ground based GPS receiver triangulates its position using 3 of the 4 satellites available - giving a latitude and longitude reading. The accuracy of this data is determined by the frequency of data transmission and type of receiver used. Accuracy is generally between 10 and 100 metres and even greater with military approved equipment.

6.62 If available to Police, this information would be used to map the vehicle location in the Comms Centre and be available to the dispatcher. Police propose a trial of the technology in early 2004, in the Auckland metropolitan area. It will involve all incident cars, crime cars and dog vans (approximately 60 vehicles). The trial will require a modem and on-board processor to be "hard wired" into the vehicle with the system linked to various vehicle sensors, relaying real time information about the vehicle to the Comms Centre. The information available (depending on the hardware selected) may include, but not be limited to:

- vehicle location;
- excessive speed and heavy breaking;
- speed and mileage;
- accident information;
- lights and siren activation.

6.63 A major advantage with the use of AVL will be the ability for Comms Centres to see the location of all units. This will give them a clearer picture of where units are in relation to the pursuit. It will also provide an accurate indication of the number of vehicles involved. This information will be automatically updated and the frequency of these updates can be linked to speed and pursuit event code (if a specific code is established). The system might also be able to indicate vehicle speed and the use of lights and sirens, if connected to the vehicle's CPUs, for example. This type of additional information would certainly help to manage high risk situations like pursuits. Similarly, scrutiny of pursuits, especially when they have not been resolved satisfactorily, will be assisted. The extra information would also aid improvements in practice and procedure.

In-car video

6.64 This technology is being addressed in more depth in other components. Police are scheduled to trial in-car videos in mid 2004, utilising a video feed to the dispatcher's and supervisor's desk via the cellular network. There are various stages of development to be worked out, including a proof of concept for integration into the current information and technology network.

Hands-free radio

6.65 When considering technology that might provide more effective management of pursuits, the item that comes most readily to mind is hands-free radio - see also chapter 5 ("recent developments") under 'Microphones'. This is a relatively new area of technology even internationally. The concept is currently being trialled in the North Shore Waitakere District. It involves two cars and has been in progress for approximately 3-4 months. Based on a mobile phone microphone, it is activated by a steering wheel switch. (The trial is on Commodore vehicles as they have buttons to control radio volume and channel selection built into the steering wheel). The switch requires the button to be held down to enable voice traffic, that is, push to talk and release when no longer talking. No data has been collected at present and the trial is still ongoing.

6.66 However, early impressions are that this technology is not a panacea for overcoming the problem of a driver having to hold a radio. As one can imagine it is difficult to push and release a button at the right times when constant turning of the steering wheel is required.

6.67 Similarly, wearing a microphone that is voice-activated (as worn by racing drivers) is not considered particularly suitable in a pursuit environment. It would capture everything said by the driver/passenger of the vehicle, thereby clogging the radio channel.

Conclusion

6.68 The management of pursuits is complex. Given the current state of the written materials, it is also confusing. Of utmost importance is the preservation of safety for staff, fleeing drivers and the public. At the same time, offenders must be caught.

6.69 Improvements can be made to their management that will deal with many of these problems. The technology solutions available to Police are in many cases commonplace, and the benefits have already been proved. International uptake of technology to aid policing is extensive. Technology is widely accepted as the way to increase effectiveness and efficiency, as well as protect the health and safety of staff.

6.70 This chapter has raised a number of issues that call for attention:

1. removing imperative and elective definitions as they an unnecessary distraction in the decision making processes for pursuit

2. explicitly directing that the primary pursuit driver and supervisor have joint responsibility for considering if risk outweighs the need to continue the pursuit

3. introducing a hierarchical structure for responsibility of pursuit management (this is separate from the decision to abandon as mentioned above)

4. developing a clear procedure for abandoning pursuits

5. introducing an event code into the Computer Aided Dispatch database for pursuits

6. developing clear guidelines for pursuit training that include Comms Centre input and cover appropriate and acceptable radio procedure

7. evaluating all new technology with potential to help manage resource deployment, including automatic vehicle location, and carry out further work on the use of in-car video and improved radio communications.

Main points raised by Comms Centres

6.71 This chapter ends by providing an outline of issues raised by the Comms Centres with a member of the review team. Where possible they have been incorporated into the previous text, but presented here they are intended as food for thought.

1. Road spikes.

All three Centres are frustrated about the inability to locate spikes in time critical situations. Managing a pursuit takes priority over looking up additional information. In some cases the driver may not know if they are in the vehicle (although drivers are supposed to thoroughly check any car before going into the field). Some district mobilisation plans (DMPs) have information on which cars or stations hold the available sets but this information is not easily locatable during a time pressure incident.

2. Radio communication

Comms Centre staff realise the difficulty drivers are having maintaining the requirement for constant updates when driving often at high speeds. Many pursuits involve vehicles that are single crewed and this causes obvious safety problems for the driver. The ideal would be some method of "hands free" communication with an open channel, similar to mobile phone technology already available.

3. Linking of radio channels

Increasing pressure is being placed on the radio network. Call volumes are placing pressure on staff and this is being reflected in the need to link radio channels. When this happens a dispatcher covers two separate channels at the same time. Additionally most of these channels are shared with the Fire Service and consequently must compete with that service when breaks in radio traffic occur.

4. Abandoning pursuits

Comms Centre staff are confused over who is responsible for the decision to abandon a pursuit. Dispatchers mentioned that some pursuing units were not actually abandoning when instructed to do so. This is a frustration especially when the Comms Centre has no visual cues and no automated car based information from which to issue further instructions. There is also the question about what to do if the fleeing vehicle is seen later and what the guidelines are in relation to resuming pursuit or apprehending the driver.

5. Automatic information updates

This led into discussions around the technology of automatic vehicle location. Introduction of this was seen as hugely advantageous to the Comms Centres. Any form of automatic information on identification of units, vehicle speeds, location, or use of lights and sirens, would advance the management of not only pursuits but all events, especially those classified as priority one emergency events. The current Computer Aided Dispatch system in no way aids the Comms Centre in pursuit management.

6. Support by the justice system

Frustration has been increasing amongst staff over the apparent lack of support from the judiciary in the punishment given to those fleeing drivers who are apprehended. The view is that current sanctions are not enough to discourage those drivers who contemplate flight. Often "failing to stop" does not even form part of the charge. This gives no recognition to the importance of enforcement or the risk involved when a driver fails to stop.

7. Vehicle and driver classification system

It was recognised that the additional information on drivers and vehicles would be useful to Police generally. However, there was concern that having to check person and vehicle details during a critical period would place extra pressure on the dispatcher. It was felt that a requirement for the driver to give voice confirmation of driver status would be better. In relation to the vehicle grading, it was advised that this could be visible on the dispatcher's screen next to the unit ID (using the available blank field).

8. Dispatcher as pursuit controller

It was felt the "supervisor" of the pursuit should be someone at the level of Comms Centre team leader or above, not the dispatcher. Because of current restrictions on staffing levels within the Centres this can mean an inexperienced dispatcher (possibly a junior communicator acting at the higher level of dispatcher) is effectively controlling a major event with high risk. This role should be given to Comms Centre supervisors as they are further separated from the relationship that the dispatcher has built up with field staff.

9. Clear hierarchy of responsibility

Clear policy and general instructions around pursuits are urgently required to enable Comms Centre staff to get on with the job and avoid criticism from other staff members. The present policy is unclear and can result in arguments between the Comms Centre supervisor and the field supervisor over who has the authority to direct the pursuit. Decisions are being questioned on the air. This is unfortunate and unhelpful in the circumstances.

10. Involvement With Pursuit Training

Comms Centre staff are unaware of what specific pursuit training (if any) is taking place. They need to know what options are available to conclude the pursuit safely, as well as the risks associated with each option - for example, the best and most effective deployment of spikes. To know what training field staff have, and perhaps to take part in that same training, would help both sides to speak the same language.

CHAPTER SEVEN - DRIVERS AND VEHICLES

Scope of this chapter

7.1 This chapter deals with driver training and policy in relation to urgent duty and pursuit driving by Police. The chapter also discusses the capability of police drivers and vehicles to engage in urgent duty or pursuit. It goes on to outline strategies that if implemented will ensure only suitably qualified drivers and appropriately categorised vehicles become involved.

Background

7.2 New Zealand Police place heavy reliance on the use of patrol vehicles to help achieve the two major objectives of crime reduction and community safety. The use of vehicles is in general terms a high profile activity with fully marked patrol vehicles. Because of the high visibility, police activity attracts public interest for a variety of reasons including concerns that police exercise their powers in an appropriate and professional way. Public concern is raised when pursuits or urgent duty responses go wrong. This generates considerable media interest and debate on whether or not the incident should have occurred or not. There are tensions between the exercise of police powers and the need to protect the rights and safety of members of the public - especially in pursuits or urgent duty driving.

7.3 Police officers must ensure they operate their vehicles as safely as possible to minimise the risk to members of the public and themselves. The public expect that police officers are trained and drive to a high standard and activities such as pursuits and urgent duty responses are professionally managed. Many analogous jurisdictions such as those in Australia and the United Kingdom have established formal and ongoing driver training, assessments and classification systems as part of a professional driving system. These normally involve matching drivers and vehicles to task through a categorisation system to ensure that only suitably qualified drivers in the appropriate category of vehicle may drive in pursuit or on urgent duty.

Comparison with the Fire Service

7.4 The Fire Service is the only other emergency service organisation that shares location and technology with Police. The Fire Service are co-located at all three Communications Centres and similarly face the pressures of urgent duty driving in a variety of vehicles.

7.5 Unlike the Police, however, urgent duty driving by the New Zealand Fire Service involves a known (or directed) location, a known route and the knowledge of what scene they are likely to face once they get to their destination. Police pursuits on the other hand are directed by unknown circumstances controlled by the fleeing driver. If the fleeing driver elects to stop, then the pursuit is over; if the driver elects to continue, then the Police are obliged to at least consider pursuit, using force to bring about a successful conclusion or to abandon if the level of risk escalates. Both speed and the direction of travel are determined by the fleeing driver.

7.6 The differing pursuit philosophy is the major reason why the Fire Service driver programme has only been briefly reviewed and not in depth. Similarly with the Ambulance Services. Their urgent duty driving philosophy is the same but their technology operating platform is different from police and fire, and they operate from multiple sites.

7.7 There are only two types of vehicle owned and operated by the New Zealand Fire Service[47]. These are first, operational vehicles including fire appliances and cars or service vehicles equipped with warning devices for attendance at emergency incidents; and second, ancillary vehicles including cars, vans and delivery vehicles which are not equipped as emergency response vehicles, but may attend in support.

7.8 Fire Service drivers must acquire the following skills before undertaking response driving duties:

- crash awareness
- hazard recognition
- searching techniques
- systematic vehicle control
- manoeuvres
- cornering and skid avoidance control
- night and low light driving
- dangerous personalities.

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47 Policy 58 Driving Fire Service Operational Vehicles, National Commander Instructions. Updated 2002.

7.9   In addition:

- new members of the Fire Service are classified as trainee drivers and are not authorised to drive to emergency calls under lights and sirens until they have undergone practical driving, assessment and training
- the Fire Service assigns a category to every driver based on the LTSA classes of driver licence
- driver training and assessment within the Fire Service is structured and ongoing.

Officer capability

7.10   Under present requirements, police drivers who meet all the competencies during recruit training at the Royal New Zealand Police College are deemed to be capable of engaging in pursuits. However it is widely acknowledged that once recruits leave the training environment a number of them revert to their previous driving style. In addition a small number of recruits that graduate from the RNZPC each year do not meet the driving competencies. As a result, not all police drivers are fit to engage in pursuits. Reasons include:

- lack of driving experience
- poor decision making and unnecessary risk taking
- inappropriate attitude towards driving
- unsatisfactory application of driving skills.

7.11   The lack of capability has been exacerbated to some extent with the new "Trainee recruits" initiative from the 214 and 215 Police Recruit Wings who are due to graduate from the Police College within the next three months. When they graduate, ten members on the 214 Wing:

- do not have a full New Zealand driver licence, or
- did not have demonstrate the advanced driving standards, or
- did not demonstrate sufficient maturity, confidence and judgement in their on-road driving to undertake urgent duty or pursuit driving safely.

7.12   Fortunately the members concerned are being posted to Auckland, where they will have restrictions placed on them and will be forbidden from carrying out urgent duty driving and pursuits. Systems are being put in place there to ensure these members receive the support and training necessary to meet the required competencies as they gain experience operationally.

Driver training

7.13   Currently police driver training is centred around recruit training. The duration of this training is seven days and includes:

- theoretical aspects of road craft skills
- police General Instructions regarding the use of police vehicles
- pursuit and urgent duty policies
- technical on road driving including general road craft skills, city driving and open road driving and vehicle enforcement stops
- off road driving, consisting of manoeuvring exercises and skid control at the Police College and a day at Manfield Track which encompasses threshold braking and antilock braking system (ABS) techniques, pursuits, and general road craft skills.

7.14   The driver training received by police recruits in New Zealand is comparable to that of many Australian jurisdictions, in particular, Victoria, New South Wales and the Australian Federal Police.

7.15   Police have little ongoing driver training and assessment in place to meet needs after recruit training. There is some ad-hoc driver training carried out in a number of districts but no national standard or co-ordination. The main exceptions to this are the Highway Patrol and the Commercial Vehicle Investigation Unit (CVIU). In December 2001 a pilot programme was introduced for members of the Highway Patrol. This programme is designed to improve physical driver skills and monitor decision making and driving attitudes through workplace assessments and remedial training where necessary.

7.16   If a driver does not meet a particular competency then a remedial programme is set in place to help the driver reach it. In March 2003 the programme was expanded to members of the CVIU. The Auckland-based Motorways Group also provide some training for new staff being assigned to that group. There has been an improvement in the standard of driving in these groups, and the drivers are now more aware of their responsibilities.

7.17   It has been suggested that many officers involved in pursuits do not inform the Communication

Centres of the full circumstances of the pursuit perhaps for fear of being instructed to abandon pursuit. Further evidence suggests that a number of patrol cars join in pursuits without advising the Communication Centres of their presence, or continue pursuits, or pull back and follow once directed to abandon the pursuit. This indicates that there may be more of a problem with driver attitudes than driver skills alone.

Vehicle suitability

7.18 Not all vehicles belonging to New Zealand Police are suitable for use in pursuits. That is because of the different types of vehicles needed to meet operational needs. The police fleet consists of about 3,000 vehicles including:

- **Six cylinder sedans and station wagons** (Commodore/Falcon) including car based utility vehicles (these vehicles represent about 75% of the fleet - also includes some 4 cylinder vehicles)

  These vehicles are fitted with "police pack" or equivalent specification and are suitable for pursuit. However it must be remembered that a number of these vehicles still in the fleet have travelled over 200,000 kilometres. This fact has been used by some police drivers as a factor when they have been involved in crashes.

  In comparison to a standard vehicle, the "police pack" version includes sports type suspension, heavy duty wheels, larger tyres, uprated braking components, limited slip differential, heavy duty alternator and sump guard. Most vehicles are fitted with dual front and side airbags (though there are a number with dual front airbags only), and pre-tensioning seat belts for front seats.

  There is also a small number of four cylinder sedans and station wagons presently used as marked vehicles, but in a secondary support role. These vehicles are not suitable for pursuits mainly because they are not "police pack" vehicles. They will eventually be replaced with normal front line six cylinder models.

- **Utility vehicles 4x4 & 4x2** (Holden Rodeo/Toyota Hilux) (about 10%)

  Due to their construction and design these vehicles are not suitable for pursuit response. They are, in general, light trucks to carry loads over moderately rough country. The suspension and braking are appropriate for this, not for driving at high speeds on windy sections of road or for hard braking.

  Generally these vehicles have dual airbags only and most do not have an antilock braking system. However from October 2003, all new Holden Rodeos that Police purchase or lease will be fitted with an antilock braking system. But even with that system, these vehicles are not suitable for pursuits.

- **Heavy 4x4** vehicles (Toyota Landcruiser/Nissan Patrol) (about 5%)

  As with the smaller utility vehicles, the heavy 4x4 vehicles are not designed for the rigours of pursuits.

- **Light vans** (Toyota Hiace/Mazda equivalent) (about 7%)

  The light vans used by Police for numerous tasks such as transporting prisoners, staff and equipment for operational support. They are not suitable for pursuits and were never designed or purchased for that purpose.

- **Heavy vans** and **trucks** (LDV/Transit) (about 3%)

  The heavy vans and trucks are also unsuitable for pursuits and are mainly used in a support role for various tasks including:

  - transportation of prisoners
  - team policing vehicles
  - AOS command centres
  - booze bus operations.

Safety improvements

Drivers

7.19 Because of the unpredictable nature of pursuits and urgent duty driving, the public and media are particularly interested in the standard of police driving and the conduct of police officers while carrying out these duties. There is always a balance between exercising police powers in apprehending an offender and the protection of the rights and safety of members of the public. Not all members of police are technically capable of engaging in pursuits. Clearly there is a need to introduce a system of driver training and work place assessment to ensure that all police staff demonstrate:

- appropriate driving skills (competency based)
- potential to manage pursuits and urgent duty responses safely
- a positive attitude to driving and other road users
- clear understanding of responsibilities when using police vehicles
- compliance with General Instructions relating to pursuits and urgent duty responses
- clear understanding of the tactical deployment of tyre deflation devices and the policy surrounding their use.

7.20 In addition to ongoing training and assessments Police must ensure that only suitably qualified drivers engage in pursuit and urgent duty responses. The Police Executive is currently considering the adoption and implementation of a Professional Police Driving Programme (PPDP). This programme has been in development for some time, and was the subject of extensive internal consultation from 2001/02, when it was known by the working title of "Safe Driving Policy".

7.21 In addition, a review of General Instructions was undertaken at the same time that highlighted inconsistencies between them and the Urgent Duty Driving Interim Policy (published in Ten-One, No. 219, 17 November 2000). Work commenced to remedy the anomalies that existed and to consolidate the various General Instructions into one. This work was distributed widely throughout police for consultation and many suggested modifications were made. The draft of this work has not unfortunately progressed and has to date not been formally accepted as policy by Police.

7.22 An urgent duty driving and pursuits working group under the auspices of the Australasian Traffic Policing Forum met in Brisbane in April 2003. This involved a member from each of the police agencies in Australia and New Zealand, with the objective of reviewing and standardising the police urgent driving and pursuits policies operating across all states. The policies that were agreed upon following this meeting consolidated the best features of all the policies and served to confirm the proposed urgent duty driving and pursuit General Instructions being drafted by New Zealand Police.

7.23 The key features in the urgent duty and pursuit driving best practice operating across all states of Australia and in many agencies in the United Kingdom and the USA are:

- the overriding principle that "no duty is so urgent that it requires the public or Police to be put at needless risk"
- definitions; some of which include: "pursuit", "urgent duty driving", "back-up vehicle", "primary" and "secondary vehicle", "pursuit controller", "terminate" (in NZ the term "abandon")
- the continuing need for risk assessment to be undertaken at commencement and during any pursuit
- responsibilities of drivers of both primary and secondary vehicles
- the role of Communications Centres in controlling pursuits
- clear and strong instructions around terminating pursuits
- the control on re-initiating a pursuit, and
- reporting of pursuits and thorough debrief upon conclusion.

7.24 Under the proposed PPDP programme, Police would develop and implement an assessment, classification, and training system along similar lines to those operated by peer organisations in Australia, the United Kingdom and the United States.

7.25 The focus of the programme would be on assessment, and systematic re-assessment, in operational situations[48] of the abilities and attitudes of police drivers. This assessment (together with consideration of the driving record) will enable the driver to be appropriately classified. A driver's classification (see below) helps set restrictions on driving, guide vehicle and duty assignment, and assists the management of urgent or pursuit driving.

7.26 If approved this driving programme will improve safety for police drivers by introducing a clear and concise policy that all police officers will be bound by. The document will provide a basis for police to lead by example in general driving

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48 *"Off road" testing at a race track or similar facility does not provide the same opportunity to observe driver behaviour in the workplace. Other jurisdictions utilise workplace assessment, and this approach has been trialled with the Highway Patrol.*

practice and will ensure that police meet their responsibilities under the Health and Safety in Employment Act 1992. This is particularly important because the definition of 'workplace' under the Act now includes roads and vehicles (see chapter 3 "the law"). It is vital that New Zealand Police have systems and procedures in place to ensure that the health and safety of employees in the work place are well managed and risks minimised.

7.27 The PPDP will introduce a permit system that will categorise on-duty drivers according to demonstrated potential to manage pursuit and urgent duty responses safely depending on the classification of the vehicle being used. The programme will also provide support and training in police districts for members to enhance their general driving skills by basing a driver trainer/ assessor in each district.

7.28 The following table illustrates the possible driver classification.

Driver Class	Draft Criteria	Limitations* *All police drivers must comply with the requirements of the relevant legislation and police General Instructions
Class 1	• Has completed all provisional requirements • Holds a full New Zealand driver licence of the appropriate class • Has the ability to drive safely in a wide range of circumstances, demonstrates a responsible attitude to driving and recognises the special position of police drivers as demonstrated by their driving record • At the time of participating in the course, has a driving record for the preceding 12 months, which is free from any incident involving fault. Parking offences are not to be taken as involving fault • Has successfully completed tactical training on pursuits and the use of road spikes • Is recommended for appointment by a local assessor	The patrol vehicle being used at the time must be of the appropriate category for urgent duty/pursuit response
Class 2	• Meets the first level of competencies as set out in the standard operational car course conducted either at the Royal New Zealand Police College or by a local trainer • At the time of participating in the course, has a driving record for the preceding 12 months, which is free from any incident involving fault. Parking offences are not to be taken as involving fault • Has completed all provisional requirements • Holds a full New Zealand driver licence of the appropriate class • Is recommended for appointment by a local assessor.	A class 2 driver may not: • undertake urgent duty responses or pursuits except where life is threatened, or in a critical incident, • exceed speed limits unless a class 1 driver is in the vehicle and supervising. If a Class 1 driver is in the vehicle and there is a pursuit, then the Class 1 driver should take over the driving, unless it is impractical or unsafe to do so. **Note:** The above is subject to need for the particular vehicle being used to be of the appropriate category for urgent duty/pursuit response.
Class 3	• Holds a full New Zealand class 1 driver licence and has been through a police driving assessment and attained the level of competency.	A class 3 restricted driver may not: • Undertake urgent duty response or pursuits at any time • Exceed speed limits

Review of all pursuits

7.29   Safe driving panels in each district will scrutinise and debrief each pursuit and serious incident to establish when, why and how the incident occurred and comment on the outcome. They will say whether or not the action was justified and scrutinise the guidelines to ensure they meet operational requirements. Where it is clear that police officers have not followed procedure or have exercised poor judgement and decision making then appropriate action should be recommended and taken. This might include remedial driver training, reduction in driver classification, or in some (hopefully rare) cases court action or internal charges for breach of General Instructions.

7.30   In the case of pursuits, the findings from the district audit would be provided to Professional Standards (or perhaps the National Road Policing Manager) to determine issues of national significance. Where obvious problems exist, this national body will be able to amend pursuit practice accordingly through the consequential amendment of General Instructions.

Police General Instructions

7.31   As mentioned elsewhere, there are a number of Police General Instructions and an interim policy currently relating to pursuit and urgent duty response. Analysis of the current GIs and interim policy shows they are imperfect. The other chapters clearly set out that the current confusion in the formal documentation must be dealt with forthwith. Once the PPDP is implemented, the requirements of that programme will need to be merged with the new GIs and policy.

Police vehicles

7.32   Each new model of vehicle purchased by Police shows a steady improvement on previous models in design, occupant safety, passive and active safety equipment, and on-road handling. The basic specifications for New Zealand Police vehicles are the same as those used by the Australian jurisdictions' although the replacement schedule for the Australian vehicles is far lower than the New Zealand equivalents. Many Australian jurisdictions replace their vehicles between 40,000 and 70,000 kilometres whereas until 31 October 2003 New Zealand vehicles were put on the replacement schedule once they reached about 120,000 kilometres. In reality New Zealand has a number of patrol vehicles that are over 3 years old and have travelled more than 200,000 kilometres. The age and mileage of the vehicles has sometimes been used to excuse poor driving and decision making by the drivers if they are involved in an incident or crash.

7.33   All police vehicles are maintained to a high standard with regular servicing at 10,000 kilometres. There is a rigorous replacement schedule for high wear items such as brake pads and tyres - for example brake pads are replaced at 4.5mm (approximately half the thickness of the friction material) and tyres at 3mm (twice the legal requirement of 1.5mm).

7.34   On 1 November 2003, a new replacement strategy was introduced in an effort to reduce the age and distances recorded by the vehicle fleet. It is estimated that it will take about three years to reduce the overall age and mileage of the vehicle fleet. The new strategy means that vehicles will be replaced when they are three years old and have travelled 75,000 kilometres. This will result in huge reductions in the number of older, high mileage vehicles in the fleet, but Districts will have to manage the kilometres travelled so that the vehicles do not exceed 75,000 kilometres over the three year period.

7.35   Police have also spent considerable effort in developing vehicle specifications to ensure the vehicles purchased are fit for purpose. Particular emphasis has been placed on safety items such as dual front airbags, side airbags, side intrusion bars, antilock braking systems, pre-tensioning seat belts. New Zealand Police are members of the Australasian Centre for Policing Research which is developing standards for police vehicles in Australia. It is essential to be part of this group to ensure that the vehicles made in Australia for police jurisdictions meet a minimum standard for police use in New Zealand. Most of the vehicles used by Police are currently manufactured in Australia to "police specifications".

7.36   Police are also considering a proposal to classify vehicles for pursuit and urgent duty response. The vehicles would be evaluated according to their safety equipment and performance characteristics. Doing this will provide a clear and formal rule for deploying vehicles most appropriate for the intended duties.

7.37 The categorisation will also act as a guide for police districts for their vehicle replacement programme to ensure they have the most appropriate vehicle deployed for purpose. The classification will place restrictions on the use of the vehicles for emergency response.

7.38 All vehicles will be readily identifiable by means of a decal placed on the dash-board of each

vehicle showing which category it belongs to. The decal will also give the conditions of that category. The Communications Centres will be able to gain access to that information by the vehicle identification number.

7.39 The following table illustrates the possible vehicle categories:

Vehicle Category	Response Capacity	Vehicle type
A	Suitable for pursuit and urgent duty.	• Fully marked police pack* sedan fitted with electronic siren and light bar * *for police pack, see note 4 below.*
B	Acceptable for pursuit and urgent duty.	• Unmarked police pack sedans fitted with electronic siren and red and blue lights displayed to the front and rear.
C	Acceptable for urgent duty. May be used for pursuit if safety criteria met.	• Station wagons (police pack) fitted with (a) electronic siren and light bar or (b) displaying red and blue lights to front and rear • Patrol motorcycles fitted with electronic siren and red and blue warning lights • Approved surveillance vehicles
D	Not suitable for pursuit. May be used for urgent duty in matters that are life threatening or in a critical incident.	• Non-police pack sedans and station wagons fitted with (a) electronic siren and light bar or (b) displaying red and blue lights to the front and rear • One tonne utilities fitted with (a) electronic siren and light bar or (b) displaying red and blue lights to the front and rear of the vehicle • Surveillance vehicles • 4-wheel drive vehicles under 2 tonnes fitted with (a) electronic siren and light bar or (b) displaying red and blue lights to the front and rear.
E	Not to engage in pursuits. May be used for urgent duty in matters that are life threatening or in a critical incident.	• Any vehicle not specified in categories A, B, C or D.

Notes

1.	Vehicles commandeered by Police fall within category E.
2.	Category E vehicles such as heavy 4x4 Nissans and Toyotas may be used in pursuit in remote areas where no other vehicle is readily available. When driving under those conditions, the driver must consider the handling characteristics of the vehicle.
3.	Any vehicle towing a caravan, trailer or implement is deemed to be category E.
4.	A vehicle has a "police pack" when it is fitted with features to meet police specifications such as upgrades to suspension, tyres, wheels, brakes and electrical equipment.

Automatic vehicle location

7.40   As mentioned in chapter 6 ("management of pursuits"), Police plan to trial an automatic vehicle location (AVL) system in a number of patrol cars during 2003/04. Depending on the technology available, it is intended AVL will provide the communications centre with up to-date information on the vehicle including speed, direction and location. This will improve monitoring of vehicles on the road, as well as producing a system that will contribute toward officer safety.

7.41   The AVL system will also be able to give Police additional information to help manage the police fleet as a whole such as vehicle usage, kilometres travelled and other data. AVL has the added capability of storing information that can be later extracted in a similar way that "black boxes" operate in aircraft. This information would be particularly useful to help assist crash investigators in the event of a crash or incident involving a particular vehicle. It would also provide information and data to assist fleet managers to co-ordinate the vehicle fleet with up to date information[49].

7.42   The Professional Police Driving Programme (PPDP) and vehicle classification system will provide a platform for Police to ensure the most appropriate drivers and vehicles are deployed for urgent duties and pursuits. It will also help the communication centres to direct the most appropriate drivers and vehicles to urgent duty and pursuit responses. The AVL system will improve the communications centres' capacity to manage pursuits with independent information such as location of patrol vehicles, their speed and so on.

7.43   As technology improves, communication centres may be able to reduce a patrol vehicle's power output or something similar. This might be done by radio or digital message where an officer fails to comply with instructions (see chapter 5 paras 5.35 - 5.38 on engine stopping devices). At the moment though, this process seems remote.

Conclusion

7.44   This chapter has discussed whether all police officers and all police vehicles should be able to engage in urgent duty and pursuits. It is clear that at the present time, not all officers are technically capable of carrying out these duties. Introduction of the PPDP will assist the management of police driving in New Zealand and bring it into line with jurisdictions in Australia and the United Kingdom.

7.45   The PPDP will provide clear guidelines for the deployment of staff and vehicles to better match the organisation's needs and to meet public expectations of police drivers. It will also provide a framework to improve the conduct and management of pursuits and urgent duty activities. Further, it will enable Police to better meet health and safety obligations to members and the general public by ensuring that only qualified drivers in appropriate vehicles are involved in pursuits and urgent duty driving.

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49   *This is discussed in more detail in chapter 6 ("management of pursuits").*

CHAPTER EIGHT - DISCUSSION AND RECOMMENDATIONS

Scope of this chapter

8.1 Despite some interesting findings that challenge misconceptions about pursuits, a few parts of the earlier chapters make for sorry reading. General Instructions and policy are unclear, training is lacking, and the management of pursuits calls for improvement. In many aspects of their work, New Zealand Police are world leaders, but not in the process and practice of pursuits. Whilst pursuits in vehicles are relatively rare, and few end in death or serious injury, Police cannot afford to sit back. Action is needed now, and it should be decisive and far-reaching.

8.2 Pursuits do not happen in a vacuum. They arise in the context of policing as a whole, and can be seen as a particular kind of urgent duty driving. Urgent duty driving is, loosely, driving in an emergency - for example in response to a report of a disturbance or driving to protect a scene of crime. Crashes sometimes occur when police are on urgent duty as well as when they are in pursuit. Likewise accidents happen when there is no crisis. When they take place at or shortly after a pursuit, however, they make the headlines. This is entirely understandable, and Police acknowledge the degree of public concern which these crashes generate, particularly if death or serious injury follow.

8.3 If pursuit rules are less clear than they could be and interim policies exist for long periods, the exercise of discretion can be used as excuse for poor policing. That is not to say it always is or often is. But the want of clarity and direction provide the opportunity. That should not detract from the findings in this report that most pursuits are short, essential and safe.

No shelving this report

8.4 The destiny of many (perhaps most) reports is to sit on a shelf gathering dust. To a large extent, that happened to the Gibson Report on pursuits in 1996. It ought not to happen to this report. So a member of the Police Executive should be charged with overseeing the implementation of this report. That person should inform the Executive or the Board of Commissioners (whichever is appropriate) about what is happening on this report. Lack of progress and decisions not to follow recommendations should

be recorded alongside implementation and steps toward implementation. What has to be avoided is a drift from one month to another and from one year to another, with no-one either knowing or apparently caring whether the report has been acted on or not.

8.5 The member of the Police Executive will no doubt ask members of the Road Policing Support staff at the Office of the Commissioner to help monitor progress. It is outside the ambit of this report to say how this can be funded. But if the overseeing is divided up and managed well, no-one should be unduly burdened. These tasks should be carried out by existing staff as part of their normal duties. The arrangement ought to be regarded as continuous and ongoing. The object would be to ensure that whatever policies and practices are put in place continue to be implemented. As these policies and practices evolve over time, the system would monitor any changes.

8.6 Accordingly, the first and overriding recommendation is as follows:

Recommendation 1:

A member of the police executive should be charged with implementing the decisions which follow this report.

Principles for further recommendations

8.7 The principles for drawing up the recommendations which follow are these.

(a) Recommendations must be concrete and measurable.

(b) Recommendations should be prioritised and weighted.

(c) Though recommendations should be comprehensive, there should be as few of them as possible.

(d) Recommendations should not attempt to micro-manage implementation.

(e) Recommendations must add value.

Concrete and measurable

8.8 There is little point in talking in generalities such as "Police should monitor new technology and introduce it as soon as practicable". That can be expected anyway. The aim of recommendations will be to set positive and measurable goals. The

executive member charged with implementation (see recommendation 1) will then be able to report meaningfully on progress.

Mention is made in earlier chapters of the police 'blue-lighting' mentality which naturally leads police to chase offenders (see eg chapter 4 paras 20-24). It is generally recognised that this culture ought to change. But no recommendation to that effect is made here, because the recommendation would not be concrete and measurable. For similar reasons, no recommendation is made about stingers, spikes or other arrester devices. Expert opinion within Police on these differs. Clearly some evaluation should be made and perhaps a pilot programme run. These would test the effectiveness of arrester devices and go a long way towards seeing whether the Gibson recommendations were right. Yet to formulate a recommendation to this effect would be indecisive and run contrary to the first principle.

Prioritise and weight

8.9 Whatever the number of recommendations, it is helpful to rank them in some order of urgency. Inevitably some recommendations require cooperation from several agencies outside Police. In those instances (new legislation for example), timing is beyond Police control. Some recommendations are wide in scope, others more narrow. Some reforms are obvious and the dangers of not carrying them out are great. Others require more reflection. All this should be acknowledged by a system of priority and weighting. In this report, the system has three categories, namely:

- urgent
- medium-term
- longer term.

By **urgent** is meant reforms which are both capable of being made and ought to be made straight away. In practical terms, that means no more than three months. So the hope is that the recommendations in this category would be up and running by the last day of March 2004.

Medium-term means in place by the end of 2004. This category includes recommendations which call for further consultation but where the timing is either wholly or largely within Police control.

Longer term recommendations are those which call for further research or reflection, or where Police are in no position to dictate

timing. Even so, a time limit should be specified. History shows that most changes take much longer than they should. As a rule of thumb, recommendations within the longer-term category should be implemented within five years, that is by the end of 2008. There is naturally a danger that these recommendations will be ignored because December 2008 seems so long away that all sense of urgency is lost. Even with this disadvantage, it is thought that the longer-term category is worthwhile. Reality must be faced. Some recommendations are not going to see practical results for some time, yet those recommendations should still be made.

As few as possible

8.10 Recommendations are not made compelling because of their number but because of their cogency and acceptability. Moreover the greater the number, the greater the danger that recommendations will be ignored. The entire package becomes too daunting, or one or two impossible or unacceptable recommendations taint the rest. For these reasons, the number of recommendations in this report is kept to a minimum.

No micro-management

8.11 No matter how much time and effort goes into compilation of a report, it will be for others to work out exactly how to implement it. The urge to specify too much detail in recommendations should therefore be resisted. Managers must be left to manage and frontline workers must be given the means to do their new jobs. They should not be inhibited by too much detail in recommendations. In many instances the earlier chapters of this report did involve themselves in the nitty-gritty of day-to-day operations. That was felt to be entirely right and proper. Although the formal recommendations of this chapter are inevitably more general, the expectation is that those with the duty of implementing them will draw upon the particular pointers within the chapters. Certainly that ought to come about, in view of the considerable commitment that went into preparation of the earlier chapters.

Adding value

8.12 There is no point in recommending the inevitable. Recommendations should therefore add something. Depending on the particular recommendation, that added something can range from a small nudge on an already-developed scheme to a wholly new suggestion which calls for independent appraisal. Either

way, the recommendation should bring about something which might not otherwise have occurred.

Urgent recommendations

The Professional Police Driving Programme

8.13 The Professional Police Driving Programme is described in chapter 7 and mentioned elsewhere. It is soundly based on long experience in other jurisdictions and has been adapted for New Zealand conditions. As chapter 7 indicates, the scheme is currently under consideration by the police executive. By placing both vehicles and drivers in categories, the first and vital steps towards improvement of pursuits are taken. No hesitation therefore follows for the second recommendation.

Recommendation 2:

The Professional Police Driving Programme should be implemented now.

8.14 The Programme includes a review of every pursuit, and a process for reporting matters of national significance to a central authority (see paragraphs 7.28 and 7.29). In view of problems emerging in pursuits (see paragraphs 4.94 and 4.95) these aspects of the Programme must not be lost.

General Instructions on urgent duty driving and pursuits

8.15 The current confusion of General Instructions and interim policy is well described in the earlier chapters - see, for example, chapters 3, 6, and 7. In brief:

- inconsistency exists between General Instructions and formal policy on the procedures and responsibility for pursuits and urgent duty driving
- General Instructions governing pursuits and urgent duty driving are in parts contradictory
- it is unclear from General Instructions and policy who is accountable and responsible for and in control of pursuits
- no General Instruction states what action must be taken upon the instruction "abandon pursuit", so the instruction is largely misunderstood
- the point at which an incident becomes a pursuit (so that the relevant General

Instructions and policy apply) is not clearly defined
- the interim urgent duty policy is inconsistent on the specific authority for officers to exceed speed limits.

8.16 All the indicators gathered during the preparation of this report point to:

(1) some officers involved in pursuits failing to give accurate information to Comms Centres because to report would mean receiving the instruction to abandon

(2) cars joining in pursuits without advising Comms Centres

(3) officers continuing pursuits even though instructions to abandon them have been issued by Comms Centres.

8.17 In the light of that, the present confusion ought not to be allowed to continue. Officers must be given unequivocal guidance on their rights and responsibilities. Society is becoming more litigious, and enquiries of all sorts are likely to become more frequent. When outcomes are severe, even the smallest details of a pursuit may become important. Policy and general instructions should be made clear to those operational staff who may have to carry the can if things go awry. In addition, Comms Centres staff should be given clear guidelines on their roles and how to carry them out. They too are multi-tasking and are constantly assessing weather, traffic, driver behaviour, speed and road conditions as well as arranging the deployment of spikes and other arrester technology. Information must be passed clearly and succinctly so that all parties understand the unfolding scenario.

8.18 The third recommendation is therefore as follows.

Recommendation 3:

General Instructions and policy on pursuits and urgent duty driving should be rewritten and implemented forthwith.

8.19 This recommendation is of equal weight with recommendation 2. The two go together. The Professional Police Driving Programme must take account of and incorporate the new General Instructions. Vice versa, the new General Instructions must acknowledge the existence of and accommodate the Professional Police Driving Programme. At present, the Commissioner of Police is exposed to court action from a

number of quarters - not only under the Health and Safety in Employment Act. Action on recommendations 2 and 3 will go some way to protecting the Commissioner from the threat of proceedings.

Medium-term recommendations

Technology

8.20 Considerable reference is made to technology in the preceding chapters. Generally speaking, New Zealand Police are behind the rest of the world in the take-up of technology. In particular:

- radio channels are congested and radio reception is poor
- communications centres do not know the position or speed of patrol cars
- in a pursuit, the driver of a single-crewed car has too much to do at the same time.

8.21 The Gibson Report recommended, among other things:

(a) hands-free microphones

(b) a global positioning system for all patrol vehicles

(c) in-vehicle video recording.

8.22 These three mechanisms are all either on trial or scheduled for trial (see chapter 6). The next recommendation seeks to build on those trials.

Recommendation 4:

Trials of the following should be evaluated and followed up:
• hands-free microphones
• global positioning systems (automatic vehicle location)
• in-vehicle videos.

If this recommendation is acted on, further refinements in technology outlined in chapter 6 will follow. A great deal of what is now available would assist pursuits. The urge to abandon existing technology while the new is under trial should however be resisted. Existing systems might turn out to be better after all.

Smaller procedural points

(1) Elective and imperative pursuits

8.23 For some purposes, pursuits are classified as either imperative or elective (see chapter 6, paras 6.8 and 6.9). As earlier chapters point out, the distinction is unnecessary and confusing. This leads to the next recommendation.

Recommendation 5:

All references to imperative and elective pursuits should be removed from documentation.

(2) Pursuit event code

8.24 There is no specific event code for pursuits. This makes pursuits difficult to evaluate. Accordingly an event code for pursuits should be built into the Computer Aided Dispatch database. A specific event code is necessary for the trial of the automatic vehicle location system if an increase in the frequency of information downloaded to the communications centre is required. So the next recommendation is below.

Recommendation 6:

Introduce an event code for pursuits on the Computer Aided Dispatch database.

(3) Electronic pursuit reporting

8.25 The present electronic report form is known as *PURSUE and is illustrated at chapter 4, para 4.8. Analysis during this review revealed deficiencies in that form (see for example, chapter 4, paras 4.92 and 4.93). These deficiencies lead to recommendation 7.

Recommendation 7:

*Review electronic form *PURSUE in the light of this report.*

Training

Driving skills and experience

8.26 Enhanced driver training comes as part of the Professional Police Driver Programme dealt with in recommendation 2. Driver training in general is in sound hands. Even so, there is no room for complacency. A clear distinction needs to be made between basic driving skills and the experience required to carry out those skills once taught. Officers can and should be taught driving to an advanced level at the Police College or other driving centre. No compromise is made on standards at that point. Not every officer who passes the tests with flying colours, however, will turn out to be a good driver in emergencies. It will be necessary either within or outside the Police Professional Driving Programme to recognise the value of experience and to measure the performance of officers as they gain it.   In the light of that, the eighth recommendation follows.

Recommendation 8:

At all stages of training, basic driving skills and the experience and attitude required to carry out those skills in the policing environment should be considered separately.

Radio commentary and instruction

8.27 Considerable criticism is made in the earlier chapters about the poor quality of both information from drivers and instructions from communications centres - see for example chapter 4, paras 4.69-4.79. Though no one is entirely sure it seems that neither driver nor communications centre staff are given any formal training in the art of radio communication in a crisis. Given that the dangers of pursuit are well known, to say the least this lack of knowledge and lack of training is surprising. This report draws attention to chapter 6, point 10, p.82 and recommends as follows.

Recommendation 9:

Patrol car drivers and communications centre staff should receive regular training and practice in the techniques of radio communication during emergencies.

8.28 This is really no more than a variation of a Gibson Report recommendation made eight years ago but apparently never acted on. Gibson did not know whether control rooms could practise control of a pursuit or whether any practice could or should take place in the control room or in a simulator. Even today, Police are no nearer to giving definitive answers to these questions. Yet video games where the essence is a car chase are commonplace. For the reasons given before (see paragraph 8.7) this chapter hesitates to be too prescriptive. But some thought should be given to the lease or purchase of a simulator to enable both driving and controlling staff to practise pursuits safely. The initial high cost should not deter acquisition of a simulator in view of the substantial long-term benefits, both economic and practical.

Longer term recommendations

Legislation changes

8.29 Chapter 3 reviewed the law, and in particular surveyed the three Gibson Report recommendations for legislative reform. The results were good. All the Gibson Report recommendations in this field seem to have been acted on. Two uncertainties remain, however. The first concerns the legality of the use of road spikes (see chapter 3 para 3.61). In view of the importance which both the Gibson Report and this report place on road spikes or similar arresting devices, this uncertainty ought to be removed by Act of Parliament. The next recommendation therefore follows.

Recommendation 10:

Police should promote a legislative provision expressly to authorise the use of road spikes and similar devices.

8.30 The final recommendation also arises from chapter 3 and relates to the penalties for failing to stop (see chapter 3, paras 3.33-3.40). Attention is also drawn to point 6, p.81 of chapter 6. Police staff are increasingly frustrated about the perceived lack of support from the judiciary in relation to fleeing drivers. Little can be done about that, given the nature of judicial independence. But Police can in appropriate cases add a "failing to stop" charge to the prosecution package. It should always be considered. When there is no different outcome for an offender whether the offender flees or not and experienced offenders know that, what is to be lost by flight?

8.31 Currently, failure to stop is an offence both under the Crimes Act 1961 and the Land Transport Act 1961. There is a minor anomaly in that the maximum fine under the 1961 Act is $1,000 whereas under the 1998 Act the figure is $10,000. More importantly, under neither Act is failure to stop punishable by imprisonment. This results in the last recommendation.

Recommendation 11:

The offences of failing to stop should be made punishable by imprisonment.

Summary

8.32   Besides making recommendations, this chapter has attempted to provide comment on the earlier chapters of this report - chapters which have borne remarkable fruit in a short time. The review team has been concerned to ensure as far as possible that this report does not languish in the libraries, consulted only for historic interest. It ought to be an instrument for change - change which, as the frank words of earlier chapters show, is sorely needed.

8.33   The writers of this report commend it to the Commissioner of Police.

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GLOSSARY OF TERMS

1U	Traffic incident
3T	Turnover
AOS	Armed offenders squad
ASU	Air support unit (located in Auckland)
AVL	Automatic vehicle location system
CAD	Computer Aided Dispatch
CARD	Communication and resource development system
CBT	Compulsory breath testing
Comms Centre	Police communications centre
CVIU	Commercial Vehicle Investigation Unit
DMP	District mobilisation plans
DVD	Digital video disk
GDB	General Duties Branch
GI's	Police General Instructions
HR	Human resource
HP	Highway Patrol
ILP	Intelligence-led Policing
LES	Law Enforcement System (Internally known as 'Wanganui').
NRPM	National Road Policing Manager
NZQA	New Zealand Qualifications Authority
PCA	Police Complaints Authority
PPDP	Professional Police Driving Programme
PRN	Personal record number
*PURSUE	Electronic pursuit report form entered on LES
RNZPC	Royal New Zealand Police College
RPB	Road Policing Branch
RPS	Road Policing Support
SAS	Statistical package
SMACS	Status monitoring and calling system

Relevant legislation

Crimes Act 1961

Health and Safety in Employment Act 1992

Land Transport Act 1998

Misuse of Drugs Act 1975

Traffic Regulations 1976

Transport Act 1962