

Organisational Capability Governance Group Cover Sheet

Reference	OCGG/20/31 <i>[Obtained from the Executive Services team]</i>
Paper title	Fleeing driver events: Overview of investigation and policy papers
Sponsor	Deputy Commissioner Glenn Dunbier
Presenter/s	Assistant Commissioner Sandra Venables
Prepared by	Kelly Larsen, Fleeing Driver Programme Manager
Meeting date	Tuesday 17 November 2020 <i>[Paper is due with ES six working days before scheduled meeting date]</i>

Consultation required

Unless specifically directed by the paper's Sponsor, the paper should be presented to at least one of the four sub governance groups in the first instance, using the appropriate governance group paper template.

If the contents of this paper are such that they are to be presented to the SLB only, consultation may still need to be undertaken with other work groups / service centres / districts to ensure their views have been sought and are accurately reflected in this paper.

For consultation purposes, please use the following group email addresses: '**DL_Assistant Commissioners**' and '**DL_GovernanceConsultation**'. These email lists are frequently updated.

Please double click the boxes to tick which groups / individuals have been consulted regarding this paper and include their feedback in the Feedback Received section.

Tick	Group / individual	Specify, if required
<input type="checkbox"/>	Assistant Commissioners	
<input type="checkbox"/>	Executive Directors	
<input type="checkbox"/>	Consultation Group (SLB Papers)	
<input type="checkbox"/>	District staff (specify)	
<input type="checkbox"/>	External (specify)	
<input type="checkbox"/>	Other (specify)	

While a sponsor can exempt a paper from seeking consultation this should be an extremely rare occurrence. If your Sponsor deems consultation to be unnecessary, a full explanation must be provided below:

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Organisational Capability Governance Group

Reference
Title

OCGG/20/31
Fleeing driver events: Overview of investigation and policy papers

10 November 2020

Purpose

1. This paper provides an overview of three separate but related papers to be considered by the Organisational Capability Governance Group (OCGG) in relation to revision of the Fleeing Driver policy and the investigation of fleeing driver events.

Executive Summary

2. The joint IPCA / Police thematic review; *Fleeing drivers in New Zealand: a collaborative review of events, practices and procedures* was publicly released in March 2019 and details 33 specific actions which Police agreed to implement.
3. The Fleeing Driver policy has been revised to give effect to these agreed actions, noting that '*if appropriately understood and properly applied, the existing fleeing driver policy can provide the necessary balance between public safety and public protection.*'
4. In May 2020 the Executive Leadership Board (ELB) considered proposed revisions to the Fleeing Driver policy [refer ELB/20/35], with three action point arising from that discussion.
5. Since then, the proposed policy revisions have been further tested and refined in the operational environment and have proven to be effective in changing the culture and mindset of operational staff.
6. For example, there has been a 35% reduction in the number of fleeing driver events in Canterbury District since January 2020. Fleeing driver events where Police have not pursued are also included in this reporting, meaning the reduction pursuits is significantly higher.
7. A cross jurisdictional comparison of the effectiveness of investigations following fleeing driver events has been completed [refer OCGG/20/33].
8. A nationally consistent practice guide for investigation following a fleeing driver event has been developed [refer OCGG/20/32].
9. Increased emphasis on using investigations rather than pursuits to identify and hold fleeing drivers to account will realign operational practice with policy and will have safety benefits.
10. It is likely that fewer pursuits will result in fewer injuries and deaths from fleeing driver events. This aligns with our vision, purpose and mission, as well as our goals of safe roads and safe communities.

Background

11. In late 2016, Police and the IPCA recognised there was an opportunity to build on the collective understanding of the fleeing driver environment. A joint thematic review (the Review) was initiated, seeking to identify and address common themes, as well as issues in existing practice where further improvements may be required.
12. The joint Independent Police Conduct Authority (IPCA) / New Zealand Police (Police) thematic review; *Fleeing Drivers in New Zealand, A Collaborative Review of Events, Practices and Procedures* was published in March 2019. This report contained eight high level recommendations which Police agreed to action.

13. Recommendation 3 of the Review requires Police to:
 - 13.1 Review the Fleeing Driver policy against the findings of the Review and make any necessary revisions to the policy and standard operating procedures to ensure they remain fit for purpose and support the effective management of fleeing driver events.
14. In May 2020 the Executive Leadership Board (ELB) considered proposed revisions to the Fleeing Driver policy [refer ELB/20/35]. Three action point arose from that discussion;
 - 14.1 ELB requested additional information about whether post-event investigations are a credible and effective mechanism to identify and hold fleeing drivers to account, and recommended obtaining comparable information from international jurisdictions.
 - 14.2 ELB requested the development of a nationally consistent best practice process for post-event investigations following fleeing driver events.
 - 14.3 ELB requested consideration be given to what opportunity there is to develop drone capability in relation to the management of fleeing driver events.

Post Event Investigations

15. A cross jurisdictional comparison of the effectiveness of investigations following fleeing driver events has been completed [refer OCGG/20/33].
16. The report identifies that;
 - 16.1 Besides Queensland, New Zealand appears to have a higher apprehension rate through post-event investigations than Australian jurisdictions and a higher apprehension rate overall.
 - 16.2 While Police currently apprehends a lower proportion of drivers through post-event investigations (30%) compared with the pursuit stage (40%), this does not necessarily indicate that investigations are ineffective.
 - 16.3 An increased emphasis on using investigations rather than pursuits to identify and hold fleeing drivers to account will have safety benefits. It is likely that fewer pursuits will result in fewer injuries and deaths from fleeing driver events. This aligns with our vision, mission and purpose, as well as our goals of safe roads and safe communities.
 - 16.4 While there is a risk that fewer pursuits may lead to a decrease in the overall apprehension rate, this is outweighed by the safety benefits and the comparatively high apprehension rate currently achieved through post-event investigations. This aligns with our priority of delivering the services that New Zealanders expect and deserve.

Fleeing Driver Events: Investigation Practice Guide

17. A hui was undertaken with a range of District staff to develop a nationally consistent best practice investigation process, to ensure that fleeing drivers and any person enabling this behaviour are held to account.
18. The proposed Fleeing Driver: Investigation Practice Guide [refer OCGG/20/32] is the result of those discussions and wider internal consultation.
19. Increased emphasis on using investigations rather than pursuits to identify and hold fleeing drivers to account will realign operational practice with the Fleeing Driver policy and Our Business as previously outlined.

Drone Capability

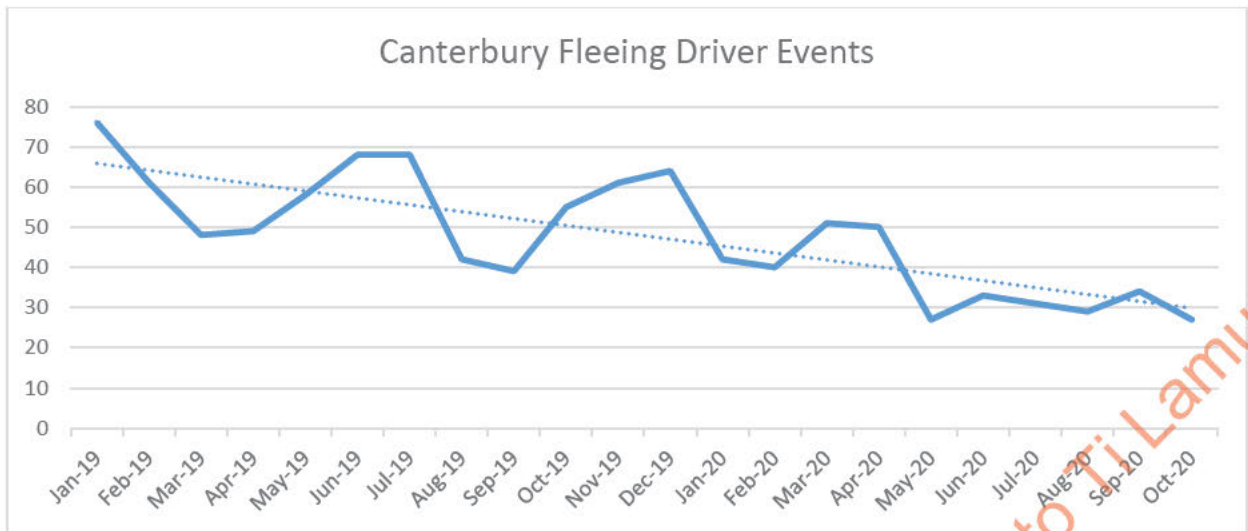
20. Response and Operations Group undertook a proof of concept for Remotely Piloted Aircraft Systems (RPAS).
21. The evaluation report presented to the National Operations Steering Group (NOSG) on the 1 September 2020 identified that;
 - 21.1 *The Bell 429 utilised by Air Support has a maximum cruise speed of 150 knots (278 km/h). In comparison, even a high specification RPAS have much lower maximum speeds, and are unable to even reach the maximum legal open road speed of 100km/h. RPAS also suffer from limited endurance (typically 25 minutes). The ability to fly long distances is also restricted by the requirement in the Civil Aviation Rules for the RPAS to remain within line of sight of the pilot. These factors collectively mean that a small RPAS is unsuited to tasks such as pursuing fleeing drivers.*

Further Policy Revisions

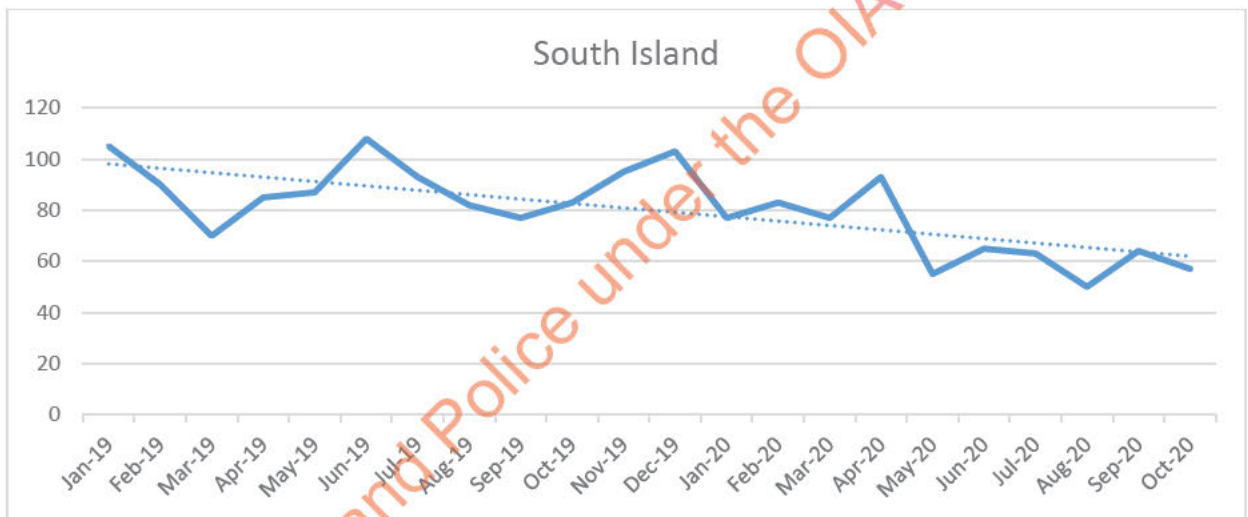
22. Since the proposed policy revisions were considered by ELB in May 2020, messaging to operational staff has been further tested and refined to identify how to most effectively achieve a culture and mindset change in relation to fleeing drivers.
23. The key question is 'What is the initial reason for wanting to stop the driver?'
24. Having determined the initial reason for wanting to stop the driver, the next consideration relates to the current policy principle that '*fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing*'.¹
25. The risks of a pursuit include death and serious injury, reputational risk and negative impact on public trust and confidence.
26. The question which then needs to be asked is 'Does the initial reason for wanting to stop the driver outweigh the risk of death or serious injury?' In most circumstances, the answer will be 'No'.
27. The second important point in the operational context is emphasising the need to make the decision about whether to pursue or not, before signalling the driver to stop (i.e. proactive, rather than reactive decision making).
28. By placing greater emphasis on using alternative tactical options to apprehend offenders, it is possible to achieve a reduction in both the number of fleeing driver events and the number of pursuits.
29. The graph below illustrates the significant reduction (64%) in the number of fleeing driver events in Canterbury District since January 2019.²
30. It is important to note these figures include fleeing driver events where Police have decided to not pursue. For example, of the 27 fleeing driver events reported in October, Police decided to not pursue in 11 of these events (41%).

¹ <https://tenone.police.govt.nz/pi/fleeing-driver-policy>

² New Zealand Police Fleeing Driver Notification database



31. Compared with October 2019 there has been a 31% reduction in the number of fleeing driver events across Te Wai Pounamu (56 events in October 2020, compared with 81 events in October 2019). Of these, Police decided to not pursue 15 fleeing drivers (27%)³



32. The narrative below is taken from a fleeing driver notification submitted by staff in Southern District and reflects a change in thinking about how Police respond to fleeing driver events.

32.1 Attempted 3T of vehicle s.9(2)(a) OIA as had previous offending earlier in night with Gore staff and the registered owner of vehicle had a bail breach 5 minutes prior to vehicle being seen on Dunns Road. After initiating 3T with flashing lights, deemed it unnecessary to continue as vehicles registration was known and can locate registered owner.

33. Further revisions have been made to the proposed policy to incorporate these learnings and feedback received from operational staff. The latest iteration of the Fleeing Driver policy is attached as Appendix A.

34. The previous paper to the ELB outlines the risks, opportunities and broader organisational considerations relating to implementation of the revised Policy.

Consultation

35. Comprehensive consultation has been undertaken with operational staff, the Fleeing Driver Action Plan Steering Group, senior leaders and ELT members (via the consultation distribution

³ New Zealand Police Fleeing Driver Notification database

list), as well as external stakeholders in relation to the proposed policy revisions and the Investigation Practice Guide.

36. This paper simply provides a summary of action taken since the ELB's request for additional information, and therefore has not been consulted on.

Recommendations

It is recommended that the OCGG:

- i. **Note** the report, *Fleeing driver events: Cross-jurisdictional comparison of effectiveness of post-event investigations* [OCGG/20/33].
- ii. **Endorse** the recommendations contained in the report, *Fleeing driver events: Cross-jurisdictional comparison of effectiveness of post-event investigations*.
- iii. **Note** the report, *Fleeing Driver Events: Investigation Practice Guide* [OCGG/20/32].
- iv. **Endorse** the recommendations contained in the report, *Fleeing Driver Events: Investigation Practice Guide*.
- v. **Note** that this paper is intended to assist the ELT in considering and approving the revised Policy and should be considered alongside the paper discussed on 18 May 2020 [ELB/20/35].
- vi. **Endorse** the recommendations contained in the report, *Fleeing Driver Policy – Recommended revision as a result of the joint IPCA/Police thematic review* [ELB/20/35].
- vii. **Endorse** the revised Fleeing Driver policy attached to this report (Appendix A).

Glenn Dunbier
Deputy Commissioner: District Operations

Feedback received

Reference OCGG/20/xxx
 Title
 Date paper sent for consultation

In the table below, please record the names of those people consulted, their feedback and your action or recommendations. Please clearly state if no response is received from any parties. If consultation has not been undertaken, a full explanation must be provided on the Cover Sheet.

Name / position / workgroup / agency	Feedback provided	Action taken or recommended following the feedback

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