

Policing Outlaw Motorcycle Gang Runs

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Summary

This section contains the following topics:

- Introduction
- Who are the OMCGs?
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- OMCG runs cause risks to the community
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Introduction

Outlaw motorcycle gangs (OMCGs) occasionally organise motorcycle runs with a large number of OMCG members. Some are known as poker runs (runs). Motorcycle runs are often arranged to coincide with celebrations, such as anniversaries or holiday weekends.

In an attempt to enhance their public image, OMCGs sometimes publicise the runs as charity events. Ordinary motorcyclists may be invited to join these runs, providing OMCGs with recruitment opportunities.

Police should respond to intelligence about such runs in an effective and timely manner to ensure appropriate enforcement action is undertaken, if required.

Police responses to these runs should reduce risks to public and Police safety and alleviate public concerns. Police activity will show that offending will not be tolerated, in itself a deterrent to further offending.

These instructions can also be applied to non-motorcycle gangs.

Who are the OMCGs?

Previously, the OMCGs members (members) organised runs as high public profile acts of intimidation, violence and disorder. However, their focus has shifted to covert illegal money making activities. OMCGs are also forming alliances between previously rival gangs. Most OMCG members and associates have criminal convictions, many for serious offending.

Purpose

This chapter provides instructions for policing Vehicle Checkpoints (VCP) associated with OMCG runs. It applies to Police employees with constabulary powers and authorised officers, hereafter referred to collectively as 'Police'.

OMCG runs cause risks to the community

The OMCG runs have a tendency to increase road safety risks and other problems in the community. Participants may ride in an unsafe manner to stay together causing road safety risks, including:

- excess speed
- failing to comply with intersection or give way rules
- unsafe passing manoeuvres, and
- failing to ride within lanes.

These members may cause other offending on the roads and at hotels, service stations and other premises stopped at along the route. Some members do not hold appropriate driver licences and/or their vehicles should not legally be on the road.

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Policing OMCG runs

The pro-active policing of these runs is aligned to the Prevention First strategies. This includes:

- providing the opportunity to deter criminal and traffic offending
- affording public reassurance, and
- lowering the attraction of taking part in OMCG activities.

This table details a number of benefits from Policing OMCG runs.

Prevention of offending	Adopt an overt and highly visible Police presence. This can deter offending, including traffic offending, violence, drug offending and dishonesty.
Rapid response	Provide a sufficient and visible presence. This enables a prompt and effective Police response to any breaches of the law.
Lower the attraction of participation	A high profile and active Police presence can lower the attractiveness of participation in OMCG events.
Public reassurance	A visible Police presence will reassure the community, minimise feelings of alarm or intimidation, and permit immediate responses to offending

Refer to 'OMCG operation planning' later in this chapter.

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Outlaw Motorcycle Gang (OMCG) operation planning

This section contains the following topics:

- Notification of OMCG runs
- OMCG Operation Planning
 - Consider the risks in policing OMCG

Notification of OMCG runs

Any intelligence received on OMCG runs or events must be provided as soon as practicable to the District Road Policing Manager, District Crime Manager, District Manager: Intelligence and the Motorcycle Gang Unit (MGU). MGU has extensive OMCG intelligence and experience in dealing with OMCG members and their events.

OMCG operation planning

When intelligence of an OMCG run or event is obtained, a Police operation may be established. Refer to instructions for 'Selecting an operation name'. For an OMCG run or event, the relevant District Road Policing Manager or appropriate delegated employee should be assigned to lead the operation as Operation Commander.

A copy of the Operation Order must be sent to the National Manager: Response and Operations.

Ensure employees with appropriate operational planning and intelligence management are used in the operation.

Overt Police activities are more likely to disrupt the OMCG event than covert Police activities.

The Operation Commander should follow these steps to plan the operation.

Step	Action
1	Include the MGU, intelligence and OMCG liaison early in planning of the operation.
2	Inform the Comms Operations Manager (northern, central or southern), early in the planning phase, of the size, location and nature of the event to ensure all districts that the runs passes through are informed.
3	Plan early for a highly visible presence with sufficient operational resources (refer to <u>Resourcing VCP</u> section) and support to conduct an efficient, effective and safe operation. Obtain agreement on whole of Police resources to be made available. This is likely to require early re-rostering of staff.
4	Consider any staff and/or command changes that may be required for extending operations or runs that cross district boundaries.
5	Consider any other radio and telephone communication issues where runs cross District boundaries. Comms Operation Managers will communicate the travel plans across districts for runs.
6	Consider partner agencies that may support a whole of sector response, such as firearms dogs, Customs drug dogs, Ministry of Justice Collections Unit and Immigration. Immigration may wish to be involved in the event overseas OMCG members intend to take part.
7	Where possible, meet with senior members of the OMCG to: <ul style="list-style-type: none">• establish points of liaison• attempt to confirm itinerary, including route, timings and venues to be visited• clarify Police expectations of behaviour and Police response to any offending

Policing Outlaw Motorcycle Gang Runs, Continued...

	<ul style="list-style-type: none"> • communicate their cooperation will assist in the event running smoothly and safely (conversely, unlawful or uncooperative behaviour will lead to Police action) • confirm that Police intend to conduct at least one VCP to ensure all members and their motorcycles are legal and safe • attempt to obtain agreement around the VCP process by reiterating that cooperation will lead to less delays and disruption. <p>Experience has shown that some motorcycle runs are cancelled or become much smaller once OMCGs become aware effective policing will be in place.</p> <p>Note: MGU can be used for liaison with senior members of OMCGs.</p>
8	Gather any intelligence available on participants, vehicles and venues. Link OMCG members to motorcycles or other vehicles by description, name and photography.
9	Check route, venues and other itinerary information in an attempt to corroborate the reliability of the intelligence.
10	Have a media strategy in place, to demonstrate professional policing of OMCG events and provide public reassurance.

Consider the risks in policing OMCG

Ensure a risk assessment is completed, and updated as new information comes to hand, and that staff are fully briefed on safety risks (Refer to '[TENR- Operational threat assessment](#)').

OMCG members are more likely to be carrying weapons and/or drugs and may conduct criminal activities. Police must consider this added risk in any response, especially staffing numbers.

Also refer to '[Planning an OMCG Vehicle Checkpoint \(VCP\) Operation](#)' later in this chapter for detailed procedures.

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Planning an OMCG Vehicle Checkpoint (VCP) Operation

This section contains the following topics:

- [Selecting a VCP location](#)
- [Enforcement powers](#)
 - [Motorcycle helmet removal](#)
 - [Aide memoire of powers](#)
- [Checkpoint briefing](#)
- [Resourcing checkpoints](#)
- [Setting up a VCP](#)
- [Motorcycle VCP sample site plan](#)

Selecting a VCP location

Points to consider when setting up a VCP are:

Consider	Rationale
VCP Location	<ul style="list-style-type: none">• minimal impact on normal traffic flow due to the VCP• there can be clear separation between those waiting to be checked, those who are being processed and those who have been processed (refer to Annex A sample site plan)• does not create any road hazards for members, Police or public• does not impact on any services or local businesses• sufficient room for the intercept team and vehicles.
Intercept risks	<ul style="list-style-type: none">• restrictions can be put in place to prevent OMCG members riding off to evade the VCP.
Officer/public safety	<ul style="list-style-type: none">• there are adequate Police to deal with any issues that arise• there is sufficient space and facilities for Police to operate safely, including search, arrest and vehicle impound procedures• Apply TENR principles.
Local knowledge	<ul style="list-style-type: none">• Police will know areas where successful operations have been conducted in the past• will know any escape routes.

Additional checkpoints should be in place if the members depart any venue where alcohol may have been consumed, to conduct [breath alcohol testing](#), or a significant number of additional riders have joined the run to ensure these new members are safe and their motorcycles are legal and safe.

When selecting a location for all deployment types consider the Police Manual chapter '[Perimeter control](#)'.

Enforcement powers

New Zealand legislation provides Police with various powers to stop, search, seize and entry to vehicles and persons. Ensure Police are fully briefed on these powers.

Where statute provides Police with authorisation to stop a vehicle for a specific period of time, it is likely that any extension to that detainment will be considered by a court in terms of reasonableness of Police under those circumstances. VCP operations must consider:

- a rider who is stopped for the purpose only of obtaining their identity may not be detained for more than 15 minutes
- the 15 minute period begins once a rider is stopped (not when they are spoken to);
- sufficient Police resources should be deployed to:

Policing Outlaw Motorcycle Gang Runs, Continued...

- obtain the identities of the riders within the 15 minute period; and
- enable any additional LTA enforcement requirements; and
- other inquiries to be conducted within a reasonable period.

Note: Police must ensure OMCG members are stopped on the basis of an enactment and not purely for other motives such as intelligence gathering– ref HC [*Police v Ghent* CRI-2014-404-000298]

Motorcycle helmet removal

Some members may refuse to remove their helmet when required to do so for identification confirmation. Helmet removal may also be required for a helmet standards inspection. The member's identification will be required for enforcement purposes; i.e. issue of an infringement notice.

Section 113(2)(a) allows Police to direct anyone on a road to provide "particulars", or any other "particulars" as required as to the persons identify, provide that those particulars are required for enforcing the provisions of the LTA or other legislation specified in s 113(1) LTA. This can include sighting their face. In *Cunnard v Auckland* CC (1987) 2 CRNZ 459, the driver's photographs were taken and deemed to be another "particular".

Refer to these chapters for further details:

- Traffic patrol techniques
- Perimeter control (road blocks)
- Fleeing drivers

and legislation:

- New Zealand Bill of Rights 1990.

Aide memoire of powers

Consider the provision of an aide memoire to staff detailing their powers and providing information on motorcycle specific offences.

The following information should assist with planning and executing a VCP; however always refer to the appropriate chapters and legislation for further details as required.

Refer to the 'Traffic patrol techniques' chapter in the Police Manual for powers to stop, enter, search vehicles and requesting identifying particulars of persons on a road.

Identification of safety helmet users			
If...	then...	Possible offences	Power of arrest
wearing the helmet allows the members identification to be confirmed	there remains the power to require the helmet to be removed for a safety inspection.	<u>Precedent Code</u> S102 Failed to produce safety helmet for inspection. (Infringement)	No

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<p>wearing the helmet (or face covering) does not allow for identification of the member</p>	<p>require the member to show their face to provide other identifying particulars (s113(2)(a) LTA).</p>	<p><u>Precedent Codes</u> B109 Failed to give name and address on demand B120 Failing to provide alternative identification B112 Obstructed an enforcement officer. S102 Failed to produce safety helmet for inspection. (Infringement)</p>	<p>Yes Yes Yes No</p> <p>Note: There is no power of arrest for not removing the helmet or any power to remove it as part of a safety inspection. However if members identification is not known, helmet removal will be required to issue a notice. Inform the member of the potential of arrest and bail.</p>
<p>the rider refuses to remove their helmet, under s113(2)(a), or to provide other particulars</p>	<p>inform the member of the potential of arrest and bail.</p>	<p>Section 53 LTA, a person commits an offence if without reasonable excuse obstructs or hinders, incites and enforcement officer in execution of duty. Section 52(1)(c), a person commits an offence if they fail to comply with any lawful requirement or request, such as, supplying a name and address on demand.</p>	<p>Yes</p>

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the member presents their helmet and it does not have the standards label	consider informing the rider that if they continue driving with the same helmet, having issued an ION, another notice will be issued.	S101 Driver failed to wear safety helmet. Note: There is no power to forbid to drive, or seize the helmet.	No
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Refer to the '[Driver licensing](#)' chapter for further details:

Drink and Drug Driving Offences		
Action	Legislation	Offence
Alcohol Breath screening test	S68(1) LTA empowers an enforcement officer to require a driver, or person attempting to drive, to undergo a breath screening test without delay.	Sections 58 to 62 LTA relate to the offences of: <ul style="list-style-type: none"> driving while under the influence of drink or drugs, failure or refusal to remain or supply a blood specimen and causing injury or death or while under the influence.
Drug Impaired Compulsory impairment test (CIT)	S71A LTA empowers an enforcement officer to require a rider to undergo a compulsory impairment test if the officer has good cause to suspect the person has consumed a drug or drugs. Only a trained officer can conduct a CIT.	

Refer to the '[Alcohol and drug impaired driving](#)' chapter for further details.

Vehicle Inspection and Licensing		
Action	Legislation	Offence
Helmet Inspection	The Land Transport (Road User) Rule 2004 (RUR) c7.12 requires a rider to wear an approved helmet and (c7.15) allows an enforcement officer to require it be produced for inspection on demand. RUR 7.13 covers exceptions to this rule. Refer to Annex C for approved safety standard markings.	<u>Precedent Codes</u> <ul style="list-style-type: none"> S101 Driver failed to wear safety helmet. S102 Failed to produce helmet for inspection. S105 Rider wore damaged safety helmet.
Vehicle Inspection	Section 113 (2)(b) allows an enforcement officer to inspect, test and examine: <ul style="list-style-type: none"> the brakes or any other part of a vehicle on a road or any associated equipment; or a land transport document, or a document resembling a land transport document, displayed or carried on the vehicle. 	Refer to C series precedent codes.

Refer to these chapters for further details:

- [Impounding vehicles](#)
- [Motor vehicle noise enforcement](#)
- [Motor vehicle registration and licensing](#)
- [Traffic compliance scheme.](#)

Refer to:

Policing Outlaw Motorcycle Gang Runs, Continued...

- Precedent code book, and/or
- Land Transport (Offences and Penalties) Regulations 1999.

Search		
Action	Legislation	Offence
Search and Surveillance Act 2012	If you have reasonable grounds for believing a controlled drug is in the vehicle or in the possession of a person in the vehicle stopped for the purpose of LTA enforcement, consider your powers of search under section <u>20</u> and <u>21</u> of the Search and Surveillance Act 2012.	Refer to the offence details in the ' <u>Drugs</u> ' chapter for further details.
Search for offensive weapons	Search and Surveillance Act 2012 Refer to sections <u>27</u> and <u>28</u> to search for and seize offensive weapons.	<ul style="list-style-type: none"> • Possessing a knife in a public place. Section <u>13A</u> - Summary Offences Act 1981. • Possession of a knife, an offensive weapon or a disabling substance in a public place. Section <u>202A(4)(a)</u> - Crimes Act 1961. • Possession of a knife, an offensive weapon or a disabling substance in any place. Section <u>202A(4)(b)</u> - Crimes Act 1961. <p>Refer to the '<u>Offensive weapons, knives and disabling substances</u>' chapter for further details.</p>
Arms search	Search and Surveillance Act 2012 Refer to section <u>18</u> for warrantless searches associated with arms.	Refer to the offence details in the ' <u>Arms</u> ' chapter for further details.

Refer to these parts of the 'Search' chapter for further details on executing searches:

- Part 5 - Carrying out search powers with or without a warrant
- Part 8 - Searching people.

Checkpoint briefing

Before going to the checkpoint, Police (and partner agency staff) should be briefed on:

- OMCG members; including who they are, risks they pose, any especially high risk individuals, any wanted references and disqualified drivers
- professional Police conduct to be maintained at all times, reminding staff that they may be recorded by photograph, video or sound
- Police not posing for photographs
- clarity around powers to stop, search, detain, arrest or any other powers that may be exercised and the need to comply with all legislative and regulatory requirements
- carrying appropriate appointments, including high visibility vests or jackets for roadside stops and checkpoints
- clarity on identified risks and steps to manage those risks.

Policing Outlaw Motorcycle Gang Runs, Continued...

Resourcing checkpoints

VCPs must have sufficient Police and resources to maintain control, deal with any emergency situations and process members in a reasonable time (See [Annex B](#) OMCG Vehicle checkpoint sample plan). Consider screening all riders initially identifying those requiring further action, so as not to conflict with [s114\(5\)](#) LTA.

Use Mobility devices and other portable technology available, where possible, to minimise time delays checking driver licences and vehicles. Also consider use of ANPR along the route and at checkpoints and venues.

Setting up a VCP

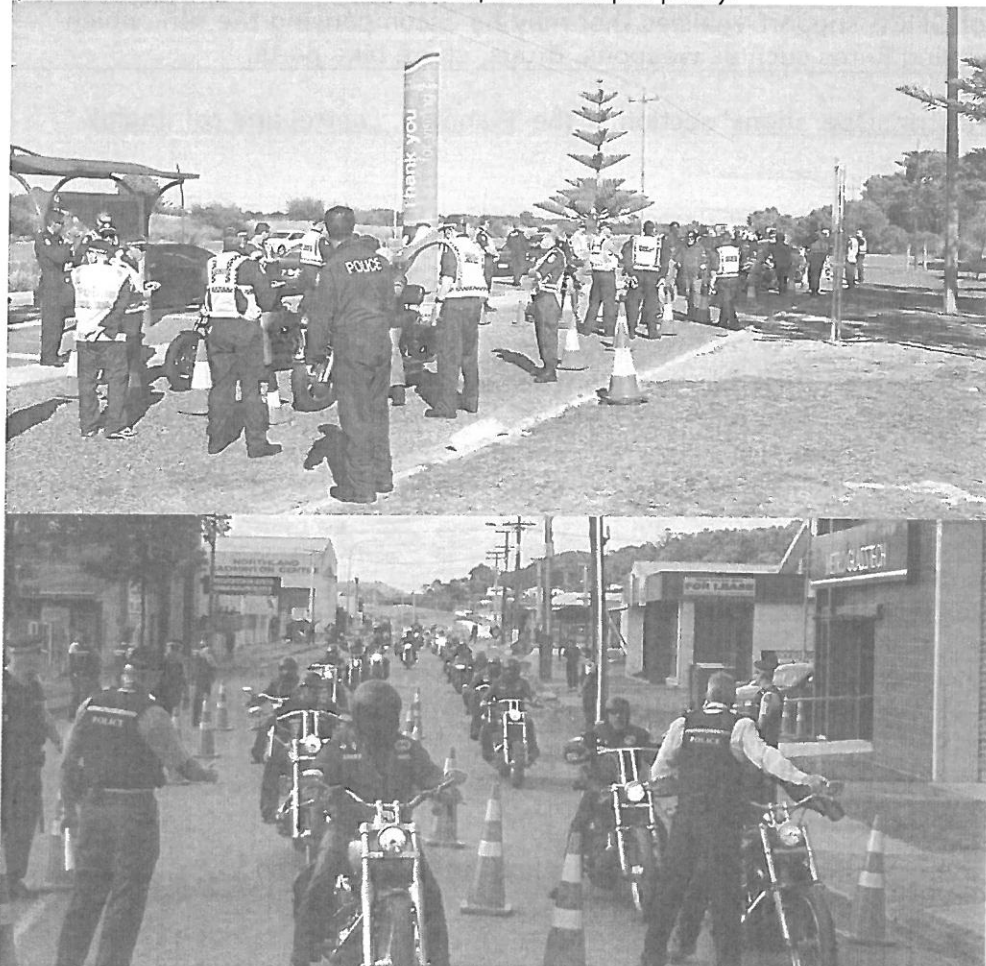
Set up the VCP as early as practical in the run, by following these steps.

Step	Action
1	Ensure motorcycles and helmets are safe and legal.
2	Ensure members have the appropriate licence and are not wanted.
3	Enable fines enforcement checks to be conducted.
4	Check for weapons or drugs (consider use of detection dogs).
5	Confirm intelligence linking persons to motorcycles in the event of any later offending.
6	Gather other intelligence for noting purposes.

Refer to [OMCG Vehicle Checkpoint Operation](#) later in this chapter.

Motorcycle VCP sample site plan

(See [Annex B](#) OMCG Vehicle checkpoint sample plan).



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OMCG Vehicle Checkpoint (VCP) Operations

This section contains the following topics:

- At the VCP operation
- Queue
- Processing point
 - Resourcing VCP
 - Acting on an information or offences
 - Intelligence gathering
- Radio procedures
- Forward Assembly Point
- Concluding the VCP

Police resources are critical to the success of the VCP. Ensure sufficient and appropriately trained Police are available.

At the VCP operation

At the VCP, Police working on site must follow these steps.

Step	Action
1	Maintain a highly visible presence, including at major intersections.
2	Maintain a highly visible presence at any public venues (consider Team Policing units, for licensed premises in particular).
3	Take prompt and positive action for any breach of the law; with considerations for safety.
4	Ensure maintenance of professional Police conduct at all times.
5	Be aware of OMCG support vehicles that may be accompanying the run, which may be carrying items such as weapons, drugs, spare bike parts.

Refer to the 'Inter-district Operations' section of the 'Planning, control and command' Police Instruction.

There are usually three stages in a VCP operation (queuing, processing and directing members to a forward assembly point). Consider methods or locations that minimise the risks of riders attempting to ride around checkpoints.

Queue

Where time and circumstance exist approach cones should be used to direct vehicles into the VCP area. The approach cones, lead into two separate coned lanes (the Queue).

The queue should be of sufficient length to contain the majority of motorcycles to be processed. Police must:

- direct motorcycles into the queue lanes
- halt motorcycles in front of the queue, and
- direct motorcycles forward to the processing area, as required.

Police should line themselves along both sides of the queue and maintain control of the members. Instruct all members to remain on their motorcycles and switch off engines however remember that there is no legal requirement for them to remain seated on the motorcycles. The member entering the queue on a particular motorcycle must enter the processing point on the same motorcycle.

Note: OMCG members are likely to do whatever they can to disrupt the VCP.

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Communicate to OMCG leaders that their cooperation will reduce the time spent at the VCP. The members MUST wait with their motorcycle and be controlled. Be **professional** while maintaining total control but do not exceed your lawful powers/authority.

Processing point

Motorcycles should be sent to the Processing point in twos. The next pair must not be directed forward until the process point is clear.

There should be sufficient distance (ie, 30/40m) between the queue, the processing point and forward assembly point to negate the risk of interference/involvement by members waiting in the queue/forward assembly point with those being processed.

When processing the member:

- check for driver licence, motorcycle road worthiness, registration requirements, and standards compliance (Refer to Annex C - Motorcycle Helmet Standards)
- check for identify, warrants, wanted reference, etc.
- take photographs of the member (without helmet), their gang clothing, 'rank insignia', licence and registration plate of motorcycle.

Resourcing VCP

Sufficient Police with appropriate skills are required to process motorcyclists quickly and efficiently. Minimum Police required include a designated photographer, a second officer to run computer checks establishing ID etc, and a third to process the motorcycle.

Consider providing another team and processing point adjacent to the first processing point for extended checks or enforcement procedures (EBA, arrest procedures, infringements or warrants to ensure waiting times are reasonable). This area must have sufficient distance from the other areas to prevent interference from other OMCG members.

Acting on an information or offences

Remember that some VOIs may no longer be of interest to Police but are yet to be expired in NIA. This must be considered when dealing with the member.

For information on actions to be taken, after processing a member, refer to the appropriate Police Manual chapter. The main chapters are listed below:

- Alcohol and drug impaired driving
- Arrest and detention
- Driver licensing
- Impounding vehicles
- Issuing non-operation orders
- Motor vehicle offences
- Motor vehicle registration and licensing
- Motor vehicle noise enforcement
- Offence notices.

Intelligence gathering

Police must gather and report any OMCG intelligence, including travel plans and related activities, obtained during the execution of their duty.

Note: Police must ensure OMCG members are stopped on the basis of an enactment and not purely for other motives such as intelligence gathering- ref HC [Police v Ghent CRI-2014-404-000298].

Policing Outlaw Motorcycle Gang Runs, Continued...

Where possible, such intelligence gathered includes:

- gang name
- number travelling, including associates
- names and PRNs
- date and intended time of travel
- intended route, including stopovers
- final destination
- reason for travel
- mode of travel
- length of intended stay.

All worthwhile intelligence gathered should be submitted as an intelligence noting. Refer to section 4.2 of the National Recording Standard.

Radio procedures

Where possible, only use Mobility communications to limit radio traffic. However, when using the radio, follow these steps (not necessarily in the order shown here).

Step	Action
1	Ensure Comms are aware of the nature and location of the checkpoint.
2	Ensure that one Police employee of the intercept team monitors the main radio channel. This should include any traffic hazards.
3	Ensure support vehicle radios remain on the main radio channel so that communication is on the main channel if a fleeing driver pursuit is initiated. For further information refer to the ' Radio and Communication Centres Protocols ' chapter.

Note: Be aware that when using analogue channels, you cannot guarantee security of your communications. Use mobility devices where possible.

Forward Assembly Point

OMCG members tend to congregate around the VCP and wait for those yet to be processed before forming up and riding off.

Set the forward assembly point at a sufficient distance from the 'processing point' (30/40m) to avoid any interference with the VCP procedures. It is crucial that those processed remain beyond the forward assembly point. They must be directed to the forward assembly point and not allowed to return to the processing area or queue area. Members are free to leave the forward assembly point at any time.

Note: All relevant safety standards and procedures, including protective safety clothing/equipment must be observed/used when stopping traffic and implementing road control procedures.

Concluding the VCP

If it is necessary to do so, update or expire any alerts to reflect the current status of the motorcycle or member. Ensure that intelligence notings are submitted in a timely manner. Refer to 'Conclusion of a OMCG Vehicle Checkpoint (VCP) Operations' later in this chapter.

Policing Outlaw Motorcycle Gang Runs, Continued...

Conclusion of OMCG Vehicle Checkpoint (VCP) Operations Debrief

A debrief should take place at the conclusion of the operation, including lessons learnt.

Data obtained from checkpoint

The data obtained from checkpoint (including intelligence notings) should consist of:

- a list of motorcycle registrations
- a list of members

and potentially:

- an image of a the motorcycle; and
- an image of the member; and
- an image of any insignia including specific roles, e.g. 'Sergeant at arms'.

At the end of every deployment, the Operations Commander should ensure a single Police contact collates all notings. For guidance on photographing at checkpoints, refer to 'Part 6 - Road blocks and stopping vehicles for search purposes' in the 'Search' chapter of the Police Manual.

Lessons Learnt from previous OMCG runs

When planning operational activities, it is important to learn from previous experience. Email any new lessons learnt on OMCG runs to the Operations Manager: Road Policing, PNHQ.

Policing Outlaw Motorcycle Gang Runs, Continued...

Annex A: OMCG Operation Order template

Download the [Operation Orders template](#) for Outlaw Motorcycle Gang 'poker run' operations.

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Annex B: Outlaw Motorcycle Gang VCP sample plan

Download the [sample VCP deployment plan](#) for Policing Outlaw Motorcycle Gang runs.

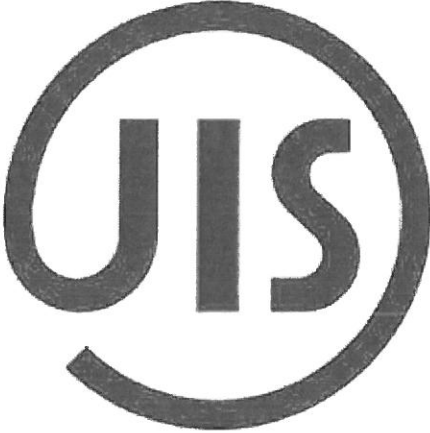




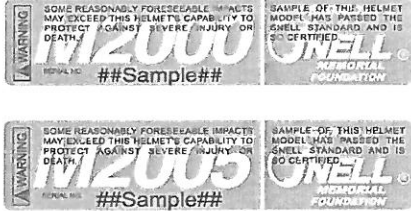
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Annex C: Motorcycle Helmet Standards

Motorcycle helmet standards

Motorcycle helmets must have a sticker inside it stating which standard it complies with. Refer to the NZTA [factsheet 43](#) for current details.

The approved standard stickers are set out below.

 <p>Complies with JIS T8133</p>	 <p>Complies with UN/ECE 22 - the number denotes a country. In this example 4 is The Netherlands</p>
 <p>Complies with NZS 5430</p>	 <p>Complies with BS 6658</p>
 <p>Australian Standard AS xxxxx Licxxxx Standards Australia</p> <p>Complies with AS 1698</p>	 <p>Complies with Snell standards</p>
<p>Helmets complying with FMVSS 218 are marked with the letters 'DOT'. This standard is acceptable only for motorcycle helmets that have been manufactured and purchased in the USA.</p>	