

# Investigation Report

Prepared for Civil Aviation Authority

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**Date:** 22 December 2017

**To:** John Sneyd  
Chief Legal Counsel  
Civil Aviation Authority of New Zealand

**Investigator :** Andrew Scott-Howman

## ***Terms of Investigation***

An incident occurred at Auckland Airport on 17 March 2017. It resulted in the destruction of an Explosive Detector Dog.

At the request of the Aviation Security Service, the New Zealand Police completed a report into the incident. I was appointed, pursuant to a Terms of Reference letter emailed to me on 15 November 2017, to review that report, and more generally to undertake an independent investigation into the incident.

I was expressly told that I was not expected to undertake a *de novo* process, but instead to seek information from relevant stakeholders, particularly including the New Zealand Police, the Aviation Security Service (AVSEC) and Auckland Airport.

Against that background, I was asked to ensure that my report:

- a) set out an accurate narrative of the events leading to the shooting of the dog and the events immediately following;
- b) established key points (if any) at which a different outcome could have been achieved if different decisions had been made;
- c) focussed not on individual blame or responsibility but rather on organisational factors leading to the outcome;
- d) identified improvements that each organisation could make, either individually or collectively, in their emergency response collaboration, that could lessen the chance of a similar event occurring;
- e) addressed any other relevant matters.

I was asked to provide my report, in draft, to the Civil Aviation Authority for circulation and comment. I circulated a draft report for that purpose, and have made amendments, where appropriate, to reflect the feedback received. This is, accordingly, my final report.

## My process

My terms of reference prescribed a process for me to follow, including a requirement for me to meet with representatives of a number of key parties. I discharged this task by meeting as follows:

On Friday 24 November 2017 I met with [REDACTED] (who had been responsible for drafting the Police report which I was asked to review).

Following this meeting [REDACTED] sent me a number of documents that he had relied on in the drafting of his report.

On Friday 1 December 2017 I met with three representatives of Auckland Airport, being [REDACTED]  
[REDACTED]  
[REDACTED]

In advance of this meeting [REDACTED] helpfully provided me with a copy of the Airport's report into this incident (simply titled "*Auckland Airport Review Report*"). This report, which was authored by representatives of each of Airfield Operations, Terminal Operations and Wildlife Management, had not been available to [REDACTED] at the time that he wrote his report. It was provided to me on a confidential basis - for the purpose of this process.

In addition to this report I also requested a number of additional documents following my meeting with Auckland Airport - which [REDACTED] subsequently provided to me.

On Monday 11 December I met with [REDACTED], [REDACTED]  
[REDACTED].

I requested a number of documents following my meeting with [REDACTED] - which she subsequently provided. Significantly, this included a copy of a report into this incident, titled "*Internal Enquiry - Initial Findings*", written by the [REDACTED], [REDACTED].

I think it relevant for me to record the following:

- I have been materially assisted in my process by the co-operative and candid approach taken by each of the people with whom I met.
- In particular, I have benefitted from considering the three reports<sup>1</sup> completed in relation to the incident - and indeed I may be in a unique position of being the only person to have done so.
- I have not shared information provided to me by one stakeholder with any other. It has not been necessary for me to do so in order to discharge the task entrusted to me - and in some cases information provided to me was professed to be confidential to the party providing it. I have simply honoured that confidentiality in undertaking my process.
- I have, however, referenced each of the three reports provided to me - particularly in relation to the recommendations made by the author(s) of each report.

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<sup>1</sup> I note that each of these three reports was completed on a discrete basis (ie each was an "*internal*" report, authored by the agency preparing it).

## **My analysis**

The three material requirements placed upon me are:

- a) to set out an accurate narrative of events occurring on 17 March 2017; and
- b) to establish key points (if any) at which a different outcome could have been achieved;
- c) to identify improvements that each organisation could make, either individually or collectively, that could lessen the chance of a similar event occurring in the future.

I have found it convenient to prepare the analysis below in a chronological fashion - capturing what I believe to be material events, and adding commentary sufficient to satisfy these key requirements.

### ***EDD "Grizz"***

It is relevant for me to commence this analysis with a record of some of the observations made about the Explosive Detector Dog whose escape ultimately led to the events of 17 March 2017.

The dog, named "*Grizz*", had been withdrawn from an AVSEC training course in Christchurch. He was being kennelled in the AVSEC compound at Auckland Airport prior to being reassigned to an Auckland handler for further training.

There was nothing to suggest that this particular dog would be prone to errant behaviour. His breed is not one that is predisposed to flight response. His training record suggested that he was obedient (in fact his withdrawal from his training programme was, in effect, due to him being overly obedient).

The handler who attended to him at 3am on 17 March was a senior, and experienced, individual. Whilst he was unfamiliar with this particular dog, it was reasonable for him to approach his task on the basis of an expectation that "*Grizz*" would demonstrate a level of fundamental obedience towards him.

### ***Commentary and Recommendations***

In short, I find that there was nothing that should have provided any indication that this particular dog would have reacted in the way that he did when the handler attended to him at 3.30am.

On that basis, it appears to me that it could reasonably be concluded that circumstances may arise where any dog – no matter how well-trained or obedient – may behave in a way which is unexpected, and errant.

██████████ made one recommendation that has relevance to this section of my analysis. He suggested that it might be prudent for there to be generalised training in recall responses (return to handler) for all AVSEC dogs, including open environments and with a variety of realistic distractions.

I am unable to provide any concluded view about the practicality, or likely benefit, of such additional training. I also note that AVSEC explained to me that EDD dogs are already subject to significant recall training (on some occasions involving deliberate distraction). Whilst it would seem – as a general comment – that this type of training is sensible, I am not convinced that any amount of training will necessarily eliminate all prospect of unexpected and/or errant behaviour by all dogs in the future (particularly including flight response).

On this basis, therefore, I would suggest simply that some consideration be given to the practicality of specific training of this type - while acknowledging that it may not provide a complete answer to future incidents of errant behaviour.

### ***Escape of dog from compound***

The handler arrived at the AVSEC compound shortly before 3:30am with the intention of toileting the dog. Doing this required the dog to be moved from its kennel to an area outside of the AVSEC enclosure. I was told that this was common practice, and that there are a couple of different areas outside of the enclosure that are typically used for this purpose. It was, therefore, a process with which this handler was well familiar.

The dog escaped from the AVSEC compound during this process. It appears to me that there were three key factors leading to this outcome:

- the dog was not placed on a lead when it was removed from the kennel (to be taken to the van which was to be used to transport it to the place used for toileting). It was, therefore, able to roam freely – even though I note that the handler was attempting to place a lead on the dog throughout these events. I note that there was no formal protocol prescribing the way in which dog should be moved from a kennel to a vehicle. There is, however, a protocol regulating movement between other areas – which, in short, requires a dog to be placed on a lead<sup>2</sup>.
- There was no secondary restraint to prevent escape from the kennelling area. Put another way, there was no fencing which would have restrained the dog from wider escape within the AVSEC compound.
- Entry to the AVSEC compound was achieved by way of access through a large sliding gate. I was told that this gate is heavy, and that at the time of the incident it was only capable of being operated manually. It appears that, as a consequence of these features, a practice arose whereby, having been opened to allow for a vehicle to enter the gate would be left open until that vehicle's consequent exit. That occurred in this case, meaning that the gate was left open at the time when the dog was loose within the AVSEC compound – enabling it to escape from it.

### ***Commentary and Recommendations***

It appears to me that each of these three factors was an essential contributor to the series of events that led to the dog's escape. Put another way, if any one of the three had been different, the escape would not have occurred.

In his report, ██████████ made the following relevant recommendations in this regard:

- I. Provide an electronically opening gate to service the main compound with automatic closing after entry to secure the compound and prevent any unintended exit by an unrestrained dog.*
- II. Provide a second (internal) ring fence around the dog kennel facility to ensure no dogs can enter into the larger training compound unaccompanied.*
- III. Provide internal and external latches on all kennel area doors and gates so unrestrained dogs cannot leave the immediate kennel area.*
- IV. Extend the height of the current fencing to prevent larger breed dogs from leaping the fence should one get the opportunity to do so.*
- V. Limit access to the compound to AVSEC dog handlers and team members only.*
- VI. Provide for an appropriately detailed kennelling record for all dogs entering and leaving the AVSEC EDD kennel complex. This is to as much as possible brief handlers who are managing the dog population in the kennels as to any risks relating to the dogs, health and/or behavioural issues*

██████████ also made relevant recommendations:

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<sup>2</sup> I note that there are a number of general recommended practices located within an appendix to the relevant Policies and Procedures manual. In broad terms, diligence and close supervision of dogs at all times is prescribed, especially in the case of young or new animals.

1. **Management of dog** – Ensure that good practice is used to maintain security of dogs entering and exiting vehicles/kennels. The need to use a secure lead during movement of dogs should be reinforced to EDD staff.
2. **Kennelling** – It is recommended that all dog kennels based at airports have a secondary line of security (safe zone) to limit dogs' movement in the case where it evades the handler when being removed from the kennel. It is also recommended that due to the continued growth of EDD and the number and frequency dogs being kennelled there, that the compound at Auckland be reserved for exclusive use of EDD, with a policy that all gates remain closed whilst dogs are being moved in or out of kennels/vehicles.
5. **Dog equipment** – Consider having slip type leads available in kennel bases at airports to facilitate the movement of unfamiliar dogs to and from kennels. This would eliminate the need for close physical contact to get control of the dog and reduce the chance of the dog escaping past the handler.
- 10 **Movement of dogs** - When dogs move between EDD units that the Sergeants are advised and preparations can be made e.g. kennel to be used, food it needs and amount, who will be handling it, housing it, and a report prepared which includes the breed, age, temperament and photo of the dog.

██████ told me that the following actions have been taken in light of these various recommendations:

- a lead is now used to restrain a dog when it is removed from its kennel. She explained that a particular type of lead (a "*slip lead*") will now be used for this purpose (in preference to the alternative, "*check chain*" lead – which may be less easy to affix to a dog in this circumstance);
- secondary fencing is now in place around the kennel area;
- the sliding gate has now been automated, making it easier to open and close – and handlers have been told to ensure that the gate is closed at all times, especially following vehicle entry.

In short, therefore, it appears to me that essential recommendations have already been acted upon – and that they are sensible, and proportionate to the risks presented. I also note that a document called EDDU Canine Transfer Form has been developed and is being used when any dog is transferred to another station. This form includes details on the dogs temperament and is used when these dogs are kenneled . This form also indicates any problem behaviours.

The only comment that I would make around this aspect concerns the way in which these different practices will now be recorded.

██████ told me that familiarity with these different practices will be enforced through training for handlers at the Auckland Airport compound. Each will also be confirmed by practice (i.e. so these different methods of restraint become business as usual for any handler moving a dog from a kennel in the compound).

These are, of course, all sensible and valid steps to take. I do, however, think that it would also be prudent to reduce this practice – and recommended steps – to a formal, written document, so that there is an element of record, and succession planning such that it will continue to be recognised, and practised, by all handlers in the future. In this light, I note that a loose dog policy is currently with the Station Managers for feedback and will be included in the Policy and Procedures Manual.

The document need not have national application – but it certainly should be formalised as a practice at Auckland airport.

### ***Events immediately following escape***

It is accepted that the dog escaped from the AVSEC compound sometime between 3:30am and 3:35am.

The handler pursued the dog immediately following its escape from the compound. He had a genuine belief that he might be able to recapture the dog. When he realised that he could not, he continued to pursue the dog in an effort to observe its movements – in essence, to see where it was headed.

Checkpoint Charlie is the name given to the mechanised gates which allow for vehicle access between Airside and Landside at Auckland International Airport. The gates are controlled by AVSEC. Checkpoint Charlie is located a short distance from the AVSEC compound.

At 3:45am the AVSEC incident log noted the following event:

*“report of a dog without AVP [authorised vehicle permit] came through Checkpoint Charlie. AP 12 and AP32 [two airside vehicles] dispatched to search for the dog.”*

This report appears to have been made by the employee in control of the gates at Checkpoint Charlie. It is, almost inevitably, a sighting of "Grizz". It was, therefore, first report of the escaped dog.

The time of the log entry would suggest, therefore, that the dog entered Airside within 10 to 15 minutes of his escape from the AVSEC compound.

The handler made his first report of the escaped dog at 3:48am – at which time he rang his manager. In turn, his manager advised him to contact the AVSEC control room, which he did at 3:55am.

The AVSEC incident log records that at 3:55am another airside vehicle was dispatched to search for the dog. It also records that “Apron” lost sight of the dog at 4am.

The AVSEC control room notified Auckland Airport Airfield Operations of the escaped dog at 4.05am.

### ***Commentary and Recommendations***

It would appear to me to be both intuitive and sensible for a handler, in these circumstances, to endeavour to recapture a loose animal immediately. This handler’s immediate reaction of pursuing the dog for that purpose was, I find, reasonable.

Having failed in this endeavour, however, the circumstances of this case demonstrate the need for immediate notification to be made to others. There would seem to be two practical reasons for this:

- others may be in a better position to provide information about the location and general status of the dog; and
- it may be possible for others to take steps to restrain or capture the animal - or to prevent its escape elsewhere about the airport (for example, in this case it would have conceivably been possible for the Checkpoint Charlie gates to remain closed - if it was perceived that doing so could prevent the dog from escaping Airside).

It is, therefore, sensible - and essential - that appropriate communication be made about the escape of an animal (or more generally, about the fact of any loose animal) in the general vicinity of the airport. In my view, there are two questions about this:

- when should a report be made?; and

- to whom should it be made?

The issue of timing is incapable of precise regulation: a report should be made as reasonably possible, and as a priority. There may be individual factors constraining the precise time frame - but, in any event, reporting should be an urgent priority.

This latter point is also significant. [REDACTED]

In summary, therefore, in the event of any loose or escaped animal:

- a report should be made as soon as possible - and certainly within minutes of the event occurring or being observed;
- the report should be directed to the Auckland Airport Operations Centre ([REDACTED]).<sup>3</sup>

In his report, [REDACTED] echoed this in making the following recommendation:

*5) In the event of an AVSEC dog becoming free about the airport environs, the practice of reporting the matter to the AVSEC supervising officer (and airport chain of command) without delay needs to exist, to provide for securement of all airport (Airside) access gates and immediate notification of the Airport Wildlife Officer (Ranger).*

[REDACTED] told me that, in fact, it had been recognised that immediate reporting around any future incident of this type was essential. She provided me with an email that had been circulated amongst all relevant AVSEC staff, which stated as follows:

#### Animals Loose Landside

*If any organisation has an animal escape landside, or notices an animal loose landside, please contact Auckland Airport Emergency Operations Centre on [REDACTED] with all relevant details, as soon as it becomes apparent that the animal is not returning. In no circumstance should this notification be left longer than five minutes.*

*The operations centre will contact the dog ranger if necessary, will alert Aviation Security so that Check Point Charlie can be made aware and, if necessary, will reduce access airside for any gates or doors in the vicinity of where the animal has become loose.*

#### Animals Loose Airside

*If any organisation has an animal escape airside, or notices an animal loose airside, please contact Auckland Airport Emergency Operations Centre immediately on [REDACTED] with all relevant details.*

*It is essential that the Emergency Operations Centre is notified immediately in the case of an animal*

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<sup>3</sup> I note that John Gallagher recommended the preparation of a "lockdown procedure" in such circumstances.

*loose airside. Auckland Airport Apron Tower will need to notify all aircraft that an animal is loose airside. Civil Aviation Rules prohibit an aircraft from operating at an aerodrome if the runway is not clear of animals.*

*The Emergency Operations Centre will liaise with the Auckland Airport Wildlife Manager and bird rangers, Aviation Security, the NZ Police, Airways and Airlines.*

*The Auckland Airport Wildlife Manager will coordinate and lead all efforts to capture any dogs loose airside.*

In my view, therefore, sensible steps appear to have been taken to address this aspect.

### **Relevant provisions and regulation - Airside**

The Civil Aviation Authority prescribes comprehensive Rules that are common to all aerodrome operators in New Zealand. For present purposes, Part 139 is relevant to my task. Rule 139.69 provides that every aerodrome operator must have "*safeguards for preventing inadvertent entry of animals to the movement area*".

In practice, at Auckland Airport this requirement is satisfied through a variety of different means - and include the following provisions.

The Auckland Airport Wildlife Hazard Management Plan (which is also required by way of a separate Civil Aviation Authority prescription) contains a provision titled "*Animals loose Airside*" (at clause 3.9). At the time of the incident, it was drafted in the following terms:

### **3.9 ANIMALS LOOSE AIRSIDE**

3.9.1 Animals occasionally become loose airside, posing dangers, particularly to aircraft. In the past, where this has happened, the problem has been worsened when everybody starts chasing the animal. In a strange environment animals easily become frightened and are more likely to be erratic.

To ensure the most orderly and calm approach to removing any stray animal on the airfield, the following process is to be followed:

- One person is to be in charge and direct all activity.
- In the first instance this shall be the Wildlife Hazard Officer and if not available, Apron is to control the process.
- Assistance by others is to be at the Wildlife Hazard Officer's request and only under his direction.
- All communication is to be on the Apron channel.
- The Wildlife Hazard Officer or Apron will keep ATC informed of the situation.
- The aim in the first instance shall be to get the animal away from the runway.
- Try to corner and capture the animal without upsetting it any more than it may be.
- Avoid scaring the animal as this will make them more unpredictable (don't use flashing lights, horns and sirens, and remove high visibility clothing, or anything else which may cause them to behave unpredictably).
- If an airborne aircraft is delayed for too long then it may be necessary to destroy the animal. The Wildlife Hazard Officer and Apron will decide if this is necessary and contact the police to destroy it.
- All incidents of stray animals airside are to be logged by Apron.



The Auckland Airport Airfield Operations Manual also contains a provision specific to animals loose airside. At the relevant time, it provided as follows:

*If any type of animal is seen loose anywhere airside:*

- *One person is to be in charge and direct all activity. In the first instance this is to be the birdman and if not available then Apron is to control the process. Assistance by others is to be at the Birdman's request and only under his direction.*
- *Inform ATC immediately.*
- *Capture attempts may be made if it is possible to do so without any risk of hazard to an aircraft.*
- *Attempt to get the animal away from the runway in the first instance.*
- *Try to corner and capture the animal without upsetting it anymore than it may be.*
- *Avoid scaring the animal as this will make them more unpredictable. Do NOT use flashing lights, horns, sirens, or anything else which may cause them to behave unpredictably*
- *If any flying aircraft needs to hold for more than three minutes, the decision to destroy the animal must be made. The birdman and Apron will decide if this is necessary.*
- *If so, inform Police and request their assistance to destroy it.*
- *The Wildlife Hazard Officer is not to be used to destroy livestock unless Police so direct or, due to urgency, there is no other option. All incidents of stray animals Airside are to be logged by Apron.*
- *All agencies operating on the airfield are expected to comply with these procedures.*

Finally, there is an ES Safety SOP titled "*Canine/other large Animals on the Airfield*". It prescribes a detailed process to be followed in the event of a loose animal. I refrain from recording its content in detail - but do note that it provides that "*Wildlife Manager and Airfield Manager must be called immediately*" - and that a detailed process for recapture is prescribed.

I observe simply, at this point, that there are some obvious inconsistencies between these various documents (and this is a feature remarked upon by the authors of each of the reports provided to me).

It is relevant for me to make some comment about the Wildlife Management Team. It consists of a Manager, and three Wildlife Management Officers (referred to frequently as "Rangers") These individuals have extensive experience and expertise in the management of animal hazards at Auckland Airport. Further, the team has a significant amount of specialist equipment at its disposal.

The narrative of relevant events which follows below is set against the backdrop of these various provisions.

#### **Events following the loose animal being observed Airside**

At 4:13am contact was made, by Air Traffic Control, with a flight which was inbound to Auckland from South America. It was Latam flight LA 801. The aircraft was informed that there was an animal loose airside – to which it responded that it was able to hold for up to 30 minutes prior to being required to land. I appreciate that this was a significant observation, simply because if the flight had to be redirected to land at a different airfield, a decision compelling that redirection would have to be made within a relatively short period.

At 4:30am the [REDACTED], was notified about the situation. He was responsible for leading airfield operations during an incident of this type (at least until the [REDACTED] was notified at 5:20am).

At 4:32am a NOTAM was issued<sup>4</sup>. My understanding of this is that it meant that any aircraft movement at Auckland airport would be made at pilot discretion (ie being aware of the potential risk presented by the loose animal).

I find that there was a significant amount of activity at this time, amounting to a search for – and attempt at recapture of – the dog. It involved (at various times) Auckland Airport employees, Police, and AVSEC staff (and possibly others). In my narration below I have referred to this simply as the "recapture operation".

At 4:44am the Latam flight landed – subject to the NOTAM (i.e. at the pilot's discretion). I note simply that the recapture operation was ongoing at this time.

### *Commentary and Recommendations*

Without adding extensive commentary at this point, I make observations about some apparent inconsistencies between actual events and the prescriptions provided by the various provisions outlined above:

- It appears that one person – [REDACTED] – was indeed in charge of the recapture operation between 4am and 5.20/5:30am. This feature is consistent with the prescription of each of the Auckland Airport Airfield Operations Manual and the Auckland Airport Wildlife Hazard Management Plan (each of which provides that a single person should be in charge, and directing all activity). I do, however, also observe as follows:
  - the Auckland Airport Wildlife Hazard Management Plan provided that the person in charge in the first instance should have been the [REDACTED] and, if not available, Apron. It was perceived, at 4am, that the [REDACTED] was not available (because he commenced his shift at 5:30am). To this extent, therefore, presuming that [REDACTED] acted in the capacity intended of Apron, the provision appears to have been satisfied.
  - The Auckland Airport Airfield Operations Manual provided that the [REDACTED] (a term for what is now the [REDACTED]) should be in charge in the first instance – and if not available, then Apron would control the process. It appears relevant for me simply to reiterate the comments made above (namely, because the [REDACTED] was perceived to be unavailable, [REDACTED] discharged the role of Apron). I also query the prudence of placing the [REDACTED] in charge of this operation (ie it appears to me that this provision was probably drafted in the anticipation of being applied in the case of a loose bird, or bird strike risk).
- The ES Safety SOP provided that the Wildlife Manager and Airfield Manager should be called immediately. This provision was satisfied to the extent that the [REDACTED] was contacted immediately. The [REDACTED] was not - and indeed it does not appear that any attempt was made, at this stage, to contact any member of the [REDACTED]. The provision required a [REDACTED] to be called if the [REDACTED] could not be contacted. This did not occur.
- The Auckland Airport Wildlife Hazard Management Plan required all communication to be on the Apron channel. It is not clear that this happened. [REDACTED]. This was both inefficient and unfortunate.
- I am satisfied that, at the time, it was thought that reasonable attempts could be made to recapture the animal and/or to keep it away from the runway. I am not in a position to comment on the adequacy of the precise steps taken at this time – or of the expertise and

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<sup>4</sup> A NOTAM is a written notification issued to pilots before a flight, advising them of circumstances relating to the state of flying. It may be issued by either Apron or Air Traffic Control.

competence of the people undertaking them. I am satisfied that all individuals participating in the recapture operation at this point had admirable intentions, and attempted to assist each other appropriately. It is, however, also apparent to me (for the reasons outlined below) that the operation would inevitably have been assisted with the involvement of the [REDACTED] at this point.

- Finally, I make an observation about the effect of a different regulation applying to the airfield. The Airside Driving and Vehicle Permit Rules require vehicles Airside to display an orange flashing light (subject to certain exceptions which do not apply here). In addition, because this incident occurred during hours of darkness, those vehicles were also required to have their headlights on. I observe simply that compliance with these different requirements placed individuals in direct conflict with the provision in the Auckland Airport Airfield Operations Manual – which prohibited the use of flashing lights or anything else which might cause an animal to behave unpredictably. There was, in my view, an irreconcilable inconsistency between these two regulations around this aspect.
- It is not apparent to me whether the circumstances described above amount to a “*delay*” of the Latam flight. On the facts as I have outlined them, it would appear that the flight was caused to land later than planned – and that the ultimate landing was only at the pilot’s discretion. I make two observations about this:
  - in terms of the Auckland Airport Airfield Operations Manual, this would appear to be a requirement for flying aircraft to hold for more than three minutes – meaning that, on a literal application, a decision to destroy the animal was required to be made. I observe simply that no decision to destroy the dog appears to have been contemplated at this time;
  - similarly, the Auckland Airport Wildlife Hazard Management Plan provides that if an airborne aircraft is delayed “*for too long*” it may be necessary to destroy the animal - and I simply reiterate that this does not appear to have been contemplated.

The different policies and regulations that I have outlined above have been the subject of consideration and critique in a good deal of the documentation that I have considered. In short, it appears to be accepted that:

- there were several inconsistencies between the various documents (some of which I have attempted to outline above); and
- in some respects, the documents required review and amendment (eg there was a universal acceptance that a mandatory requirement to destroy the dog at this time would not have been sensible, or even readily achievable).

There were several recommendations intended to address this feature.

The first recommendation made in the Auckland Airport Review Report was in the following terms:

- *Airport implement one policy and set of procedures to manage incidents where animals are loose airside. This policy to supersede the Airfield Operations Manual, Livestock and Animal Handling Procedure and Wildlife Hazard Management Plan, Animals Loose Airside Policy.*
- *Policy to be updated to include the Duty Manager responsible for the Wildlife Team being advised immediately to provide advice on the best approach until the Wildlife Ranger is physically onsite and able to manage the coordination of the response on the airfield.*
- *Policy to be updated to include that when there is immediate impact to the movement of aircraft on the airfield due to a loose animal, an incident control point in the field be*

established immediately to coordinate the response on the airfield.

- Policy to outline roles and responsibilities and escalation matrix.

██████████ also made the following recommendation:

3. **Wildlife Hazard Plan** - Each airport where Avsec EDD are based develop a robust Wildlife Hazard Management Plan (based on Auckland Airports), specifying roles and responsibilities and methods of capture should an Avsec EDD become loose on the airfield, and ensure it is communicated to all airport staff.

*In order to ensure appropriate action is taken should another incident of this type happen again, it is recommended that an EDD member in each station is allocated the portfolio of developing and maintaining relationships with the staff responsible for implementing the wildlife plan at their site. This would enable improved understanding of roles, allow updated communications between the two teams and could potentially include an element of annual training time.*

It appears that these recommendations have, indeed, been implemented. Following my meeting with Auckland Airport I was provided with updated versions of each of:

- the Animals Loose Airside policy (clause 3.9)
- the Livestock & Animal Handling Procedures
- the ES Safety SOP "Canine/Large Animals on the Airfield"

Because of the significance of these documents I have attached them to this report (and I apprehend that I have not acted in breach of any confidentiality in doing so).

In short, the revised documents:

- amount to the implementation of a single plan to apply in the event of an animal being loose Airside;
- require the Wildlife Management Team to be notified immediately upon an animal being loose;
- prescribe a single procedure for confronting the situation (which I consider in more detail below);
- require EOC to be activated immediately upon the observation of an animal loose Airside.

I make only one comment about these different documents. It would seem to me to be prudent to provide for the possibility of destruction if circumstances require that. The current wording of the Animals Loose Airside policy (clause 3.9) allows for destruction only after "*all containment and capture options have been exhausted*". I would suggest simply that it may be preferable to subject the prospect of destruction to a reasonable threshold (eg "*if no reasonable options to contain or capture the animal are open, taking into account all relevant facts,...*").

I also observe that, in order to be effective, it is essential that all stakeholders at the airport have knowledge of these provisions.<sup>5</sup>

### **The arrival of the ██████████, and the activation of EOC**

The ██████████ was scheduled to come on duty at the airport at 5:30am. He arrived at work at 5:20am and was contacted at that time to inform him of the situation. From this time, he assumed responsibility for the recapture operation.

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<sup>5</sup> ██████████ made a recommendation to this effect in his report. Auckland Airport also sensibly suggested that the Wildlife Management Team could brief Airfield staff about the provisions, and the methods that would be used in the event of a loose animal.

Through the course of my investigation I was informed that the [REDACTED] have successfully removed loose dogs from the airfield in the past – to the point that a process had been developed involving encouraging/herding the animal to a particular point on the airfield where gates could be opened to enable removal to a separate area (enabling better prospects of recapture – and amounting to an immediate removal of the hazard off the airfield). It appears, however, that this option was not feasible at the time when the [REDACTED] came on duty - nor had it been contemplated prior. I also note that the process I have described was not formalised at the relevant time, and was subject to consultation prior to a formal introduction.

At 5:51am the Emergency Operations Centre was activated. This feature is important, and deserves some close consideration.

The EOC was described in the following terms in the Auckland Airport Review Report:

*The EOC is a group consisting of representatives from affected organisations operating at the airport including government border agencies, Avsec, airlines, ground handlers, New Zealand Police, fire rescue teams and representatives of Auckland Airport operations.*

*When handling an emergency incident, the EOC group makes critical decisions collectively and those decisions are made based on the facts and situation at the time considering all possible options and implications.*

*The EOC works on the principles of the New Zealand government's recommended best practice emergency response, known as the Co-ordinated Incident Management System (CIMS).*

In this case, the relevant discretion was not exercised to activate EOC earlier than 5:51am because – at that time – it was perceived that there were low aircraft movements at the airport, and the circumstances were not sufficient to justify escalation to the activation of EOC (this was determined in accordance with an "Incident Severity Matrix", pursuant to which the severity of the situation was perceived to be insufficient to clear the required threshold to activate EOC).

It appears, however, that as the morning proceeded, and the volume of aircraft traffic was due to increase, activation of EOC was justified shortly before 6am.

In my view, two relevant observations can be made about this sequence of events:

- [REDACTED]. Put another way, a coordinated approach to the recapture of the animal was difficult, if not impossible, during the first 90 minutes following escape. EOC does, by its nature, require the assembly of key stakeholders at a central point – meaning both that relevant expertise can be centralised, and communication coordinated. In this case, therefore, I find that the recapture operation would have been significantly assisted (and its prospects of success increased) had EOC been activated earlier.
- As I have outlined above, in my view the Wildlife Management Team has both experience and resource available to it that would assist in the recapture of any loose animal. It may, in fact, be reasonable to conclude that the Wildlife Management Team are the best placed individuals to contribute both knowledge and resource to a successful recapture effort. I find that the prospect of success of the recapture operation would have been greatly increased had the Wildlife Management Team been involved at an earlier stage. To the extent that activating EOC earlier would have required involvement of the Wildlife Management Team it would, for this reason, have been desirable.

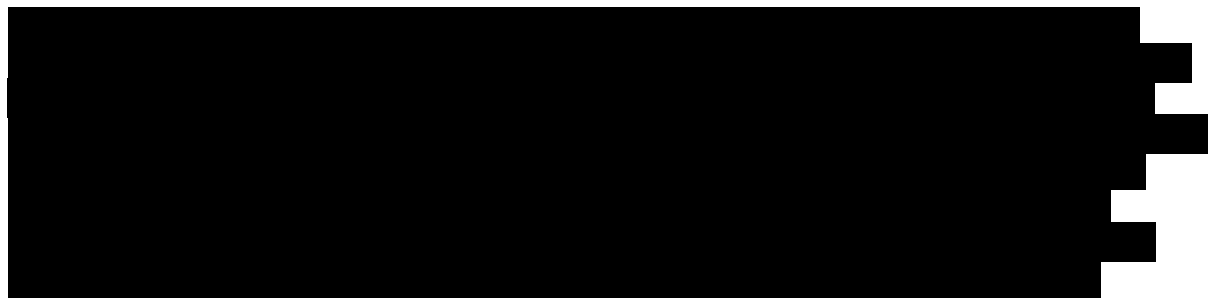
In addition, it appears to me that there are other stakeholders at the airport who may have relevant skills and experience in a situation of a loose animal (some of whom were, in fact, involved in the recapture efforts in this instance). For example, Police, MPI and AVSEC have staff who are skilled in dog handling, and who may be able to provide invaluable assistance in the event of any loose dog on the airfield.<sup>6</sup>

#### *Commentary and Recommendations*

There would appear to be a number of factors inclining an early activation of EOC in the event of an incident such as this.

In my view, the key to utilising the different assets identified above is the ability to have a central control – and a single command point – with knowledge of these assets, and an ability to utilise them in a controlled and co-ordinated fashion. EOC would appear to be well placed to perform this function.

I note simply (as I have recorded above) that the new procedures now adopted at Auckland Airport provide for the immediate activation of EOC in the event of a loose animal Airside - and I commend that as a sensible step to have taken.



Comments were made in each of the reports about the desirability of having a “*forward command*” – being an experienced and knowledgeable person in the field, leading efforts and providing key information back to EOC – which would have overall responsibility for directing operations. For different reasons, it would seem apparent that a member of the Wildlife Management Team would be ideal to perform this role. This is something which is now given practical enactment through the introduction of the new Animals Loose Airside policy.

I note simply that:

- in my view that each of these recommendations seems to be sensible, and desirable; and
- each appears to be given practical effect through the introduction of the new provisions which I have outlined above.

#### ***Other matters***

##### *Equipment*

Each of the reports made recommendations about the prudence of obtaining specialist equipment which might assist in any future incident of this type, including:

- the use of reflectorised collars for AVSEC dogs (and, logically, all working dogs about the airport);
- tracking devices that could be affixed to dogs<sup>7</sup>;

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<sup>6</sup> I note that [redacted] recommended that in the event of the escape of an EDD an AVSEC handler should participate in any recapture operation - at the direction of the Wildlife Management Team, and in consultation with EOC.

<sup>7</sup> Auckland Airport also suggested the use of a GPS tracking device on all working dogs.

- thermal cameras in the two main Airfield Operational and Wildlife Ranger vehicles (AP12, AP32) to help locate loose animals;
- net guns (which would provide a means for recapture of a dog).

Each of these would seem to be sensible to consider.

I note that the acquisition of a high powered net gun appears to be endorsed by all stakeholders as a sensible step to take - because it would offer an additional option for recapture in any future incident. In finalising this report I was informed that Auckland Airport now does, in fact, own a high powered net gun.

Another option that was canvassed in the reports was the use of a tranquiliser gun (as another means of achieving recapture). Auckland Airport sought independent advice about this option. Advice was sought from [REDACTED], who specialised in the movement and spatial ecology of animals. [REDACTED] recommended against the use of a tranquiliser gun - for a number of different reasons (most significantly including the uncertainty around dosage, given the prospect of different species and breeds of animals being loose). He did, however, commend the use of a high-powered net gun as the most effective and safest manner of capturing loose animals.

#### *Briefing for airport stakeholders*

Auckland Airport made the following recommendation:

- . Auckland Airport hold a multi-agency briefing on the airport's wildlife containment plan so all agencies with working dogs and airlines transporting animals are well informed about how an incident involving loose animals airside would be managed.

In my view this is a sensible suggestion, and I would only add the observation that it would be prudent to ensure that a briefing of this type is provided on a regular basis to all key stakeholders at the airport.

#### **Conclusion**

The events of 17 March 2017 were most unfortunate. They have, however, resulted in a number of sensible recommendations being made for the future, many of which have already been implemented. I have endeavoured to ensure that this report captures the key events of 17 March, and the recommendations to ensure against a repeat of an incident of this type. I trust that the chronological structure of the report amounts to findings about key events in the relevant timeline - and in this way I have discharged the requirements upon me.

Yours sincerely



Andrew Scott-Howman  
**Barrister**