

# Death of Pacer Willacy-Scott and Hoani Korewha following a Police pursuit in Masterton

## INTRODUCTION

1. At about 2.15am on Sunday 31 January 2016, a male driver, aged 14, lost control of a stolen Honda Civic and crashed into a lamp post while fleeing from Police on Queen Street in Masterton. Two of the passengers, Pacer Willacy-Scott and Hoani Korewha, aged 15, died as a result of the crash. The driver and a third male passenger, also aged 15, received minor injuries.
2. The Police notified the Independent Police Conduct Authority of the pursuit and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

### Summary of events

3. At about 11.15pm on Friday 30 January 2016, a red Honda Civic (the Honda) was reported stolen from an address in Featherston. Due to the lack of available staff in South Wairarapa, the Police Central Communications Centre (CentComms) requested officers from Masterton to assist with the search. Officers A and B, who were working in Masterton, offered to assist and drove to Featherston in their marked Police car. The officers conducted a search for the Honda, but were unable to find it. Later that night they were called back to Masterton to attend another job.
4. At about 2.13am on Sunday 31 January 2016, Officers A and B who were driving south on Dixon Street, Masterton, saw a car leave the Russell Street intersection and turn north onto Dixon Street, crossing the centre line. When it swerved back into the correct lane, the officers used their speed radar and recorded the car travelling at 65kph in a 50kph zone.

5. Officer A, who was driving, told the Authority that the car immediately came to their attention *“purely because of its manner of driving”*. As a result, the officers decided that they would stop the car to speak to the driver.
6. The car continued travelling towards the officers and then it made a sudden left hand turn into Harlequin Street. As the car turned, it was lit up by the patrol car headlights and, although the officers were unable to see who was in the car, they were able to identify that that the car was a red Honda Civic. The officers immediately recognised that the Honda matched the description of the car that had been stolen from Featherston.
7. As the officers, who were approximately 30 metres behind the Honda, turned into Harlequin Street, Officer A activated the Police car’s red and blue flashing lights to signal the car to stop. At the same time, Officer A also radioed CentComms to advise that they had located the stolen Honda and it was *“failing to stop”*.
8. By this stage, the Honda had sped up and reached the intersection of Harlequin Street and Queen Street. Officer A said the driver of the Honda made no attempt to slow for the intersection and it turned right, heading north towards the centre of town.
9. As the officers reached the Queen Street intersection, the CentComms dispatcher<sup>1</sup> provided the officers with the pursuit warning: *“If there’s any unjustified risk to any person you are to abandon pursuit immediately. Acknowledge.”*
10. Officer A told the Authority that as the dispatcher was providing the pursuit warning, he began to assess the risk of continuing the pursuit. Although there was no other traffic on the road, Officer A said he was aware that the bars in town closed at 2pm and it was likely that there would be pedestrians on Queen Street.
11. As Officer A turned onto Queen Street, he activated the Police car siren and radioed CentComms to acknowledge the pursuit warning and advise that he was a gold class driver and was in a category A marked Police car.<sup>2</sup>
12. While Officer A was radioing CentComms, the officers saw the Honda, about 80 metres ahead of them, travel through a stop sign at the Queen and Renall Streets intersection. Officer A said the Honda *“would have been easily in excess of 100kph”*, and he immediately assessed that the pursuit was getting too dangerous to continue. As a result, Officer A turned off his lights and siren, began to slow down and advised CentComms that they were abandoning the pursuit.
13. CentComms acknowledged Officer A and asked him to confirm when their lights and sirens were off and they had fully stopped.
14. The total duration of the pursuit was less than 30 seconds.

---

<sup>1</sup> The dispatcher advises the shift commander when a pursuit has commenced, maintains radio communications with the units involved in the pursuit, obtains situation reports from the pursuing units and communicates instructions from the pursuit controller. The dispatcher is also responsible for communicating the pursuit warning to the lead pursuit unit.

<sup>2</sup> Being a gold class driver means the officer is authorised to engage in urgent duty driving and pursuits. A Category A car is permitted to commence a pursuit.

15. As the Police car slowed down, Officer B said he could see the Honda pulling away from them and travel over the raised courtesy crossings at speed, causing sparks to fly out from underneath the car as it landed.
16. Officer A continued to slow, and after going through the Renall Street intersection, began to pull over outside some local shops. However, just before Officer A came to a complete stop, the officers saw the Honda make a sharp left hand turn. Officer B told the Authority that he immediately thought the Honda had crashed into a store.
17. Officer A radioed CentComms and advised that they had seen the Honda lose control and they were going to continue driving to see what had happened so they could provide immediate assistance it required.
18. As the officers drove up Queen Street, they could see the Honda on the section of Queen Street between Perry and Church Streets, approximately 470 metres from where Officer A had advised CentComms that he was abandoning the pursuit. The Honda had mounted the footpath on the left side of the road and had collided with a lamp post.
19. Officer A parked the Police car approximately 10-20 metres away from the crash scene and Officer B immediately got out to assist the occupants. Officer A notified CentComms of the crash and activated the patrol cars red and blue flashing lights. As he saw a small flame coming from the Honda's engine bay, Officer A grabbed the fire extinguisher from the boot of the patrol car before he went to assist.
20. Officer B said that when he ran to the Honda, a female member of the public was helping the driver out of the car. Officer B went to the person sitting behind the driver's seat and dragged him out of the car, he then went to see if the front passenger needed any help and found him unresponsive.
21. While Officer B was assisting the front passenger, Officer A radioed CentComms to ask for more assistance. Shortly after, a local paramedic arrived and began to provide medical assistance to a male passenger in the back seat who was also unresponsive.
22. When the fire and ambulance services arrived, all four occupants of the Honda were transported to Wairarapa Hospital. Pacer Willacy-Scott and Hoani Korewha both died as a result of injuries received in the crash. The driver and the third passenger received minor injuries.

### The driver's version of events

23. When interviewed by the Authority, the driver said that he knew he was driving a car that did not belong to either him or his three friends. When he first saw the Police car behind him, with its red and blue flashing lights, he thought "*hell, I hope I get away*".
24. He said he "*just went fast*" and tried to get away from Police. As he turned onto Queen Street and went over the first raised courtesy crossing, he said he started to slow down, but his friends told him, "*no just keep going, keep going who cares*".

25. The driver said the adrenaline and his friends telling him to go faster, made him drive faster. He estimated that he was travelling at about 90kph, and when he hit the second-to-last courtesy crossing, he changed gear to increase his speed.
26. When he crashed, the driver said he remembered jumping out of the car and seeing the Police car driving towards them with their lights on.

### Independent witnesses

27. Due to the bars on and around Queen Street closing at 2pm, there were a number of people in town that witnessed the pursuit and crash.
28. The witnesses describe seeing a red car travelling north on Queen Street, being pursued by a Police car with its flashing red and blue lights on.
29. One witness said they initially heard the *“rev’s of a vehicle engine”* and then saw the red car *“screaming up the road pretty quickly [going] straight through the intersection.”*
30. As the car approached the raised courtesy crossings, several witnesses said it did not appear to slow down, and sparks flew out from underneath it. When this happened, one of the witnesses said that the Police car *“seemed to stop following it”*.
31. As the car hit the last courtesy crossing, a witness recalled that *“the vehicle totally lost control, it hit the ground and just completely spun out.”*
32. Five witnesses said they ran to the car and saw four males inside, aged between 14 and 16. Two of the males were able to climb out of the car, however, the other two did not appear to be moving.

### Crash analysis

33. A Police crash investigator determined that the Honda was travelling along Queen Street at an average speed of 120kph. The Honda lost control on the fifth raised courtesy crossing, and swerved left into a concrete lamp post.

### The driver

34. At the time of the pursuit, the driver, the youngest of the four in the car was unlicensed to drive.
35. As a result of this incident Police charged him with a variety of charges, which have been dealt with by the Masterton Youth Court.

### Power to require a driver to stop

36. Section 114 of the Land Transport Act 1998 provides that a Police officer may signal or request the driver of a vehicle to stop the vehicle as soon as is practicable.
37. Section 9 of the Search and Surveillance Act 2012 provides that a Police officer may a stop a vehicle without a warrant to arrest a person if the constable has reasonable grounds:
  - a) to suspect that a person—
    - is unlawfully at large; or
    - has committed an offence punishable by imprisonment; and
  - b) to believe that the person is in or on the vehicle.

### Fleeing driver policy

38. The overriding principle of the Police fleeing driver policy is that: *“Public and staff safety takes precedence over the immediate apprehension of the offender”*.
39. During a pursuit, warning lights and siren must be activated at all times. The Communication Centre must also be advised immediately if there is a fleeing driver and that a pursuit has been initiated.
40. Officers are required to carry out risk assessments before and during a pursuit in order to determine whether the need to immediately apprehend the fleeing offender is outweighed by the potential risks of a pursuit to the public, the occupants of the pursued vehicle, and/or the occupants of the Police vehicle.
41. Unless there is an immediate threat to public or staff safety, a pursuit must be abandoned if:
  - the identity of the offender becomes known,
  - the distance between the primary unit and the offending vehicle is too great,
  - any of the risk assessment criteria conditions change,
  - there is a sustained loss of contact between the primary units and the Communications Centre.
42. Following the direction to abandon pursuit, all participating Police cars much immediately acknowledge the direction to abandon pursuit, reduce speed, deactivate the Police car’s warning lights and siren and stop as soon as it is safe to do so.

## THE AUTHORITY'S FINDINGS

---

### Were Police justified in commencing a pursuit?

43. Officers A and B saw a car that immediately came to their attention “*purely because of its manner of driving*”. The officers said they observed the car swerve across the road, crossing the centre line. When they used their speed radar, they recorded the car travelling at 65kph in a 50kph zone. The officers were justified under section 114 of the Land Transport Act 1998 in attempting to stop the car in order to speak to the driver about his speed and manner of driving.
44. When the car suddenly turned into Harlequin Street, the officers were able to see that it was a red Honda Civic that matched the description of a car that had been stolen earlier that evening. Under section 9 of the Search and Surveillance Act 2012, the officers were justified in attempting to stop the Honda as they had reasonable grounds to suspect that the driver had committed an offence punishable by imprisonment.
45. When the driver failed to stop and attempted to evade Police, the officers were justified under the Police fleeing driver policy to commence a pursuit.

### FINDING

Officers A and B were justified in commencing a pursuit.

### Was the pursuit conducted in accordance with law and Police policy?

46. The fleeing driver policy requires an officer initiating a pursuit to notify the Communications Centre that they are in pursuit. When the officers turned into Harlequin Street, Officer A notified CentComms that the Honda was “*failing to stop*” and the dispatcher issued the pursuit warning as required by policy (refer to paragraphs 38-42).
47. The fleeing driver policy requires Police to conduct a risk assessment prior to commencing a pursuit. If the risk to the safety of the public and Police outweighs the immediate need to apprehend the driver, Police must abandon the pursuit. In accordance with policy, Officer A assessed the risk of pursuing and turned his mind to both the lack of road traffic and the possibility of increased pedestrian traffic at that time of the morning. Given the short duration of the pursuit (less than 30 seconds), the officers were unable to provide CentComms with any relevant risk factors. However, when the Honda went through a compulsory stop sign “*in excess of 100kph*” in a 50kph zone, Officer A determined that the manner of driving was too dangerous and he notified CentComms that he was abandoning the pursuit.

48. When abandoning a pursuit, officers must immediately reduce their speed, deactivate the Police car's red and blue flashing lights and siren, and stop as soon as it is safe to do so. When Officer A advised CentComms that they were abandoning the pursuit, he immediately slowed down and deactivated the Police car's warning lights and siren. Officer A continued travelling at a slow speed and was about to pull over as directed when he saw the Honda lose control up ahead. Officer A immediately notified CentComms and advised that he was going to see what had happened, and give assistance if required

#### FINDING

Police complied with law and Police policy, in so far as they were able, during the short pursuit.



## CONCLUSIONS

---

49. The Authority finds, that Officers A and B were justified in commencing a pursuit and, that Police complied with law and Police policy, in so far as they were able, during the short pursuit.



**Judge Sir David Carruthers**

Chair  
Independent Police Conduct Authority

21 September 2016

**IPCA: 15-1415**



## ABOUT THE AUTHORITY

---

### Who is the Independent Police Conduct Authority?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

## WHAT ARE THE AUTHORITY'S FUNCTIONS?

---

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must form an opinion about the Police conduct, policy, practice or procedure which was the subject of the complaint. The Authority may make recommendations to the Commissioner.



Whaia te pono, kia puawai ko te tika

PO Box 25221, Wellington 6146

Freephone 0800 503 728

[www.ipca.govt.nz](http://www.ipca.govt.nz)

---