



POLICE COMPLAINTS AUTHORITY

**Report by the Police Complaints Authority
on the Investigation into the Death of Mrs Dianne Patricia Parker
in Hamilton on 31 July 1992**



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DEATH OF MRS DIANNE PATRICIA PARKER HAMILTON - 31 JULY 1992

Introduction

At 10.37pm on Friday 31 July 1992, Mrs Dianne Parker, a 44 year old sales co-ordinator for Southern Cross Medical Care Society, was driving her white Honda Prelude car north along Te Rapa Road, Hamilton, towards her home. At a point where Te Rapa Road and Dalgleish Avenue intersect Mrs Parker's car was violently struck by a Ford Fairmont car coming in the opposite direction.

This car was driven by Anzac Roy Simeon, a 30 year old unemployed man, who had converted the car at Papakura at 9.40pm.

For the preceding 50 minutes the car driven by Mr Simeon had been pursued for the intervening 70 kms by a number of Police cars and the Police helicopter.

Mrs Parker died instantly. Mr Simeon survived unhurt. He was subsequently convicted of Manslaughter and Unlawfully Taking a Motor Vehicle after pleading guilty to the charges and sentenced to 6 years 4 months and 18 months imprisonment respectively. He also pleaded guilty to charges of Disqualified Driving and Failing to Stop.

This report examines and analyses the incident resulting in the death of Dianne Parker.

The Incident

The incident which led to Dianne Parker's death began at Papakura. According to Anzac Simeon he had been in the Roadhouse Hotel there for most of Friday evening. He had had three beers, this on top of a couple of bottles on waking that day. The previous evening he had been drinking at a social club until about three o'clock on Friday morning.

Anzac Simeon's home was in Turangi and he was thinking about getting back there. After he left the hotel he went to a service station on Great South Road, Papakura, to use the toilet. There he saw a car, a Ford Fairmont, unoccupied and with the engine running. This was the car in which he was to come into collision with Dianne Parker.

There was a briefcase on the front seat of the car; Anzac Simeon thought it might contain sufficient money for him to buy a bus ticket to Turangi, so he decided to steal the case. He jumped into the car and drove off, intending to abandon the car a short distance away and take the briefcase. However, when he saw the car was fuelled, he decided to drive it to Turangi. He set off down Great South Road to the motorway in the car.

Anzac Simeon was a disqualified driver with several driving and alcohol associated driving convictions for which he had received penalties, including terms of imprisonment. During the pursuit he was aware that Police were attempting to stop him. However, he later stated, "I thought I'd just drive until the car ran out of gas".

At 9.42pm the owner of the car discovered it was missing. He immediately telephoned the Police at Auckland Central. At Auckland Central the Constable receiving the report, Constable Bruce Fenton, broadcast a radio report of the conversion to all patrols in the southern Auckland area.

Shortly after the conversion a motorist driving south on State Highway 1 stopped at a red traffic light at the top of the Bombay hills. This was Mr Adrian Kjellberg. Mr Kjellberg

later described how a dark green/grey Ford Falcon or Fairmont drove straight across the intersection against the red light on the wrong side of the road, going south. Further on, Mr Kjellberg caught up with the Ford, held up by other traffic. Just before the Maramarua turnoff the Ford Fairmont overtook three other vehicles, just before a corner in a manner described by Mr Kjellberg as 'very erratic and irresponsible and dangerous'.

Mr Kjellberg did not see the Ford again until he reached the scene of the collision in which Dianne Parker died. The Ford involved in that collision was, he believed, the same car he had seen being driven so dangerously earlier on.

Constables Shaw and Cuthbert of Pukekohe Police were on duty in a marked Police incident car. At a time they put at 10.00pm, but which was probably nearer 9.45pm, they were driving north along State Highway 1 from Pokeno towards Bombay when they received a radio report that a Ford Fairmont, registration NM 4706, had just been converted from a garage in Papakura.

Shortly after receiving this report the two constables saw and recognised the stolen Ford Fairmont. It was being driven south and was overtaking other traffic on a bend on the wrong side of the road. Constable Cuthbert, who was driving the Pukekohe car, executed a U-turn and followed the Ford, catching up with it just south of Pokeno.

The registration number of the Ford was checked with Auckland Central Control and it was confirmed that it was the vehicle which had been reported missing. The red and blue flashing incident lights of the Pukekohe car were then turned on, but the Ford made no move to stop but overtook a truck and trailer on a left hand bend. When the Pukekohe car caught up again with the Ford the Police car's siren was also operated. The Ford speeded up to about 120 km/h. The Police called on the driver of the Ford to stop, using the public address system on the Police car, without success.

At this time the Ford was being driven with little regard for safety, simply pulling out to overtake traffic with no heed for oncoming traffic.

As the Ford and the following Pukekohe car approached Meremere Power Station the two constables saw in the distance another marked Police car travelling in the same direction with its incident lights operating. This Police car was driven by Constable Peterson, the Tuakau Constable.

The Ford pulled out and passed the Tuakau car, its speed as it did so being estimated at between 110 and 130 km/h. It was "wandering all over both sides of the road as if the driver was intoxicated" according to Constable Cuthbert who continued to follow with the Pukekohe Police car's incident lights and siren still operating.

As the Ford and the Pukekohe car approached the Te Kauwhata straights the Police helicopter, Eagle, joined the pursuit. The helicopter had been called up on the radio, at a time reported by the helicopter crew as 2147, by the Pukekohe car and asked to illuminate the Ford. The O/C Eagle, Constable Hill, later reported that the helicopter came up to the two cars at 9.55pm. Its large spotlight was put onto the stolen car. This is normal procedure. It has been found that the spotlight has the effect of either causing the fleeing vehicle to reduce speed or stop. It also warns oncoming traffic of an unusual or hazardous situation ahead.

Behind the Ford the helicopter crew could see the Pukekohe car with incident lights operating. Both cars were travelling about about 100 km/h. The helicopter was at a height of approximately 800 feet, to the left and rear of the Ford Fairmont. When the Ford was lit up by the helicopter's light the Pukekohe car dropped back a distance of approximately five hundred metres. The Ford continued its progress and the driver gave no indication of any intention or desire to stop.

Further on, at Ohinewai, a Police TSB car was encountered by the Ford; the Police TSB car was travelling in the same

direction, south, with incident lights operating. However, the driver of the Ford showed no sign of slowing or stopping but merely pulled out and passed the Police TSB car.

A short distance further on along State Highway 1 a Huntly marked Police car executed a manoeuvre similar to that of the Tuakau and Ohinewai cars, driving in front of the Ford at a slower speed with incident lights operating. The reaction of the driver of the Ford was the same, to pull out and pass the slower Police car, ignoring its flashing incident lights. The Huntly car then took up a position behind the Pukekohe car which then turned off its incident lights.

At Huntly the driver of the Ford Fairmont was seen to drive along the by-pass part way on the wrong side of the road. At its end he drove through a traffic light controlled intersection against a red signal, making no attempt to slow down, despite other, civilian, cars being at the intersection.

Up to this point the overall control of the pursuit had been exercised from the Auckland Central Operations Room with the Eagle helicopter exercising immediate control of Police vehicles involved in the pursuit and providing a commentary for the Operations Room staff. Because the pursuit was travelling south along State Highway 1 into the area of Hamilton Police District's responsibility and because radio communications were fading, the Hamilton Operations Room had at about 10.10pm been alerted by Auckland to what was happening. It was decided by the O/C Hamilton Operations Room that if the pursuit reached Ngaruawahia he would assume control.

The O/C at Hamilton then began formulating measures to stop the Ford. He was conscious that State Highway 1 traversed the central business and downtown area of Hamilton. At that time on this Friday evening the central city streets would be appreciably populated with pedestrians and vehicles. Further, there were a number of traffic light controlled intersections and pedestrian crossings in the city centre, each one of which presented a hazard.

Given the progress of the Ford Fairmont thus far, and the driver's evident refusal to stop in response to signals, it seemed to the O/C Hamilton Operations Room that the chances of a collision at one of the downtown intersections was very high and that not to try to stop the Ford could lead to disaster. Hence his decision to attempt to halt the Ford. He directed that a roadblock be put in place at Horotiu and that a second roadblock be put in place some distance south of Horotiu in the vicinity of Te Rapa RNZAF Base.

The northernmost of the two roadblocks, at Horotiu, comprised a truck and trailer unit drawn half across the road leaving a gap of approximately four metres on the south bound side of the road clear as a safety escape route. Also at this roadblock were two Police vehicles with their incident lights operating, the first of these cars facing north and illuminating the truck, the second facing south.

The second of these Police vehicles was crewed by Constables Boot and Davidson. They arrived at the block after it had been put in place. Almost immediately the Ford Fairmont driven by Anzac Simeon came down the road and drove through the escape area round the truck.

Constable Boot drove off and followed the Ford, which was said to be travelling at about 120 km/h until Constable Hill in the Eagle helicopter, a few seconds later, asked the Constable to drop back. He did so, reducing his speed to about 100 km/h. Constable Boot saw the Ford overtake a line of cars, going onto the wrong side of the road and narrowly missing an oncoming vehicle in the process. Constable Boot dropped even further back.

At this stage the Ford was approaching the point on State Highway 1 where the second roadblock was being set up. This was to comprise two Police TSB cars and a Team Policing van. However, at first the van was on the northbound side of the road facing north, the two Police TSB cars on the south side facing south. In one car was Sergeant Cooper and Traffic Officer Taua, in the other car Traffic Officer Austin. Whilst

the cars were positioning themselves the Ford came up to and passed them before they were able to form an effective block.

The concept of the rolling block visualises the stopping of a fugitive vehicle by baulking its progress with Police cars ahead of it, behind it and alongside it. It was one familiar to Sergeant Cooper and the two Traffic Officers. The suggestion that this technique be used had been put to the O/C Hamilton Operations Room by the TSB Operations Room operator.

The O/C was not aware of the technique but he considered that the location and situation lent themselves to this measure as explained to him and he agreed to it. However, the necessity to convey this intention to the northward pointing Team Policing van by radio and its need to then U-turn to take up a position in the intended rolling block, resulted in a short delay by which time the Ford was beyond the point selected for the rolling block to be set up.

The two TSB cars pursued the Ford along Te Rapa Road towards the centre of Hamilton, Traffic Officer Austin in front with Sergeant Cooper a short distance behind, observing the continuing situation. Sergeant Cooper knew that some Te Rapa Road intersections had in recent months been realigned, with new traffic islands being inserted. He was concerned that the driver of the Ford might be unaware of these new features. He was alive to the risk of accidents through too close a pursuit and he gave radio instructions to Traffic Officer Austin to back off. Traffic Officer Austin acknowledged that he was doing so. The Traffic Officer had at one point drawn abreast of the Ford, the driver of which ignored the incident lights of the TSB car.

At the traffic island at the intersection of Te Rapa Road and Bryant Road waited a Police dog van driven by Senior Constable Pope, its incident lights operating. He had been alerted by Hamilton control to the approach southwards of the pursuit. He saw the Ford coming and, as it rounded the traffic island, he fell in behind it in front of the car containing Sergeant Cooper but behind that driven by Traffic Officer Austin.

Also travelling along Te Rapa Road in a northerly direction was another Police TSB car driven by Traffic Officer Waters with Traffic Officer Morgan. These two officers had been called up to assist with the roadblock at Te Rapa RNZAF Base. From a point near the intersection of Mahana Road with Te Rapa Road the officers were able to see the approaching incident lights of the vehicles pursuing the Ford. From radio reports they understood the Ford to be ahead of these vehicles.

With the incident lights on his car operating, Traffic Officer Waters executed a U-turn to bring him onto the southbound side of the median strip in the centre of Te Rapa Road before the Ford reached that point. He intended to baulk the Ford in an attempt to slow or stop it, and he accelerated to 60 km/h.

Traffic Officer Waters saw the Ford come round the Bryant Road/Te Rapa Road traffic island, swerve between two cars also travelling south and accelerate down Te Rapa Road towards him. The Traffic Officer moved from lane to lane in his effort to obstruct the Ford but the driver of the Ford overtook the Police TSB car on the right, at the same time mounting the raised median strip.

The Ford swerved across in front of Traffic Officer Water's vehicle and it looked to Waters as if the driver had lost control on the wet road. The Ford then mounted the median strip narrowly missing a large tree before leaving the road on the left hand side and going towards the premises of Benchmark Building Supplies. The TSB car driven by Traffic Officer Waters followed, both vehicles crossing the grass berm and dropping quite heavily into the Benchmark premises down a low brick wall.

The Ford then struck the Benchmark building a glancing blow, damaging it, and spun round before halting momentarily in the carpark near a wire security fence. Although Traffic Officer Waters then tried to block the Ford with his car, the Ford rapidly accelerated off. It drove over a raised kerb and the roadside grass berm to regain Te Rapa Road, continuing its southerly course.

At this point Traffic Officer Water's car became immobilised through a flat tyre sustained during these manoeuvres.

As the Ford regained Te Rapa Road, Traffic Officer Austin in his TSB car came up alongside it. As the two approached the intersection of Vardon Road with Te Rapa Road, the Traffic Officer dropped back and the Ford went across the intersection against another red traffic signal. Traffic Officer Austin later reported that whilst alongside the Ford he could hear that the Ford had a flat tyre; this deflation most probably occurred as the Ford went over the berms and raised kerbs at the Benchmark carpark. Either that or the continued driving of the Ford on the flat tyre also damaged the right front wheel rim.

Beyond the Vardon Road intersection traffic lights Te Rapa Road gently curves to the left. However the Ford then began to veer back and forth putting oncoming traffic at risk. Traffic Officer Austin radioed that he was backing off as the fugitive vehicle was going onto the wrong side of the road.

Traffic Officer Austin then saw the Ford go completely onto the wrong side of the road and collide with an oncoming car, that of Dianne Parker.

A crash reconstruction report by a Police TSB officer later found that the right front wheel of the Ford had received damage consistent with it being driven without an inflated tyre over a distance. The car had sustained minor damage to its left rear corner and the rear bumper was missing, probably torn off at Benchmark.

Analysis of crash damage to both vehicles, impact thrust directions and basic principles of rotation for vehicles in collisions showed impact as having occurred within the northbound lane of Te Rapa Road next to the painted median divider. This indicated that the Ford had completely crossed the median into the northbound lane in which the Honda had been travelling. An unsuccessful attempt by the driver of the Honda to move left out of the path of the oncoming Ford was noted in the crash reconstruction report.

Computer simulation showed the vehicle speeds computed at 74 km/h and 55 km/h for the Ford and the Honda respectively. The analysis concluded that the driver of the Ford would have been experiencing difficulty in controlling the path of the vehicle due to his driving with the front tyre flat. This was seen as possibly contributing to the car crossing the median.

The driver of the Ford, Anzac Simeon, later described to Police how he had intended to drive down a sidestreet (Dalgliesh Avenue), jump out of the car and run away. He tried to go between the oncoming cars but "judged it wrong and smacked straight into that car". He had seen the Honda coming and knew that he had misjudged by two seconds. Had he let it go past, he said, he would have made it on to the side street.

The collision occurred at a point 10 kms from Ngaruawahia, where Hamilton Control commenced, and 5km from Horotiu, the site of the first unsuccessful road block.

The first officer to reach the scene of the collision was Traffic Officer Austin; he radioed for an ambulance. He was quickly joined by Constable Pope, then Sergeant Cooper, followed by other Police and TSB members. An ambulance call was also put out by Police in the helicopter who had seen the collision occur.

As stated, Anzac Simeon was not injured. Constable Davidson was the first officer to reach him, still seated in the Ford after the collision. The Constable asked him if he was alright whereupon Simeon turned and spat in the Constable's face. Mr Simeon was pulled from the vehicle, by Constables Davidson and Boot, through the driver's window as the door was damaged and would not open. Constable Davidson handcuffed Mr Simeon, briefly searched him and removed some of his property.

Constable Shaw, the driver of the Pukekohe car which had first sighted Anzac Simeon driving the stolen Ford south, arrived at the scene moments after the collision. He went to assist the driver of the Honda Prelude, Dianne Parker. He saw immediately that the lady was dead. He turned his attention to Anzac Simeon.

At 1048 Constable Shaw helped to put Mr Simeon in an ambulance which had by then arrived. Paramedic Mr Rob Burgess attended to Mr Simeon. At 1058 Constable Shaw cautioned Mr Simeon and told him he was entitled to a lawyer to whom he could speak before making any statement. The Constable offered to provide Mr Simeon with a telephone for that purpose. Mr Simeon nodded his having understood.

At 1102 the ambulance arrived at Hamilton hospital; Mr Simeon was able to walk inside where he gave the hospital staff his name. Doctor Simon Hong attended to him. At 1110 a blood sample was taken from Mr Simeon for alcohol analysis. This revealed that the level of alcohol in Simeon's blood was 30:100mls. At 1140 Constable Shaw took Mr Simeon to Hamilton Police Station, arriving there at 1152. Whilst waiting for a detective to arrive to interview Simeon, Simeon said to Constable Shaw, "Did the lady die?" On being told she had he then said "I didn't mean to do it. Was anyone else in the car?" Constable Shaw answered in the negative.

Mr Simeon was then interviewed by Constable Bell under caution, a statement was recorded from him.

Basis for PCA Investigation

These then are the facts of the incident. It is now necessary to examine them under the provisions of Section 12(1)(b) of the Police Complaints Authority Act 1988. This provides that:

"The function of the Authority shall be to investigate of its own motion, where it is satisfied that there are reasonable grounds to carry out an investigation in the public interest, any incident involving death or serious bodily harm notified to the Authority by the Commissioner under Section 13 of this Act."

There had been such notification. It had been made by telephone to an Authority officer at 1220 on Saturday 1 August 1992 by Inspector Craig, on duty at Wellington.

Aims of the Investigation

The aim of the investigation was:

- A. To ascertain the sequence and nature of events leading to the death of Dianne Parker.
- B. To ascertain the involvement of members of Police in those events.
- C. To address the steps taken by the Police to prevent or avoid the death or injury to any member of the public or Police.
- D. To identify any deficiency in steps taken by the Police.
- E. To identify any wider issues concerning pursuit situations which merit further attention elsewhere.

Sequence and Nature of Events

The sequence and nature of the events leading to the death of Dianne Parker are set out in the preceding section of this report under the heading 'Incident'.

Database

The narrative describing the incident is drawn from the statements and reports of the Police and TSB members who were involved in the pursuit of Anzac Simeon, including patrol car crews, helicopter crews and Operations Room staff at Hamilton and Auckland. Also drawn on were the statements of a number of members of the general public who witnessed some portion of the events here described. The statement made by Anzac Simeon to Detective Bell at Hamilton Police Station later that night has also been drawn on.

Other material taken into account included the transcripts of radio messages from each of the two Control Rooms, to and from cars and the helicopter, and of messages between those

individual Police and TSB cars on the road during the pursuit. Included amongst this other material was a 'Fatal Crash Reconstruction Report' filed by Sergeant G C Williams, Police TSB, Hamilton.

The comprehensive report of a searching internal Police investigation made into the incident by Inspector Athol Paul, Hamilton Police, was also referred to, along with various computer records, Police General Instructions, the Traffic Officers Manual and Press and television reporting.

Also consulted was a January 1988 report entitled "A Review of the Ministry of Transport Policy on Pursuit of Offenders and Road Blocks" by (then) Assistant District Superintendent P. Wright. This was a comprehensive review which drew on the experience of overseas Police and Traffic forces. It was in its turn reported on by Mr J A L Gibson QC, at the request of the Minister of Transport, in February 1988. Both were examined.

A number of interviews were carried out by a PCA investigator with those Hamilton Police and TSB members who were most closely involved.

A meeting was also held with Dianne Parker's two daughters, Debbie Kendall and Wendy Gullett, and with Dianne's fiance, Larry White; at which concern was expressed by them about the limited means which the Police had at their disposal by which to bring the pursuit to an earlier conclusion. They had no wish to lodge any complaint against the Police in respect of Police involvement in this tragedy.

A preliminary assessment was made when an Authority investigating officer visited Hamilton shortly after the incident occurred. Finally the route of the pursuit was retraced by car, and the view obtained from the air was assessed by flying in the helicopter.

Involvement of Police

The involvement of Police in the pursuit of offenders in motor

vehicles is addressed in Police General Instructions, (GIs). GI D61 sets out in detail the responsibilities of Police drivers in such situations. It states that:

"(3) The fact that a vehicle is being driven at an excessive speed is not in itself sufficient grounds for a high-speed pursuit. Members have a duty to stop a vehicle where it contains a person known to have or suspected on reasonable grounds of having committed a serious offence or who is known to be a serious threat or danger to other persons. Before a high speed pursuit is undertaken a member must look to alternative methods of apprehension, and in particular, the deployment of Police to contain the vehicle, thereby dictating the conditions rather than following those set by the offender.

(4) A sustained pursuit at speeds above normal will be justified only in exceptional circumstances, eg, where the offence is serious and the offender's identity is not known or his continued liberty would constitute a greater danger than pursuit. When a high speed pursuit is unavoidable the driver shall:

- (a) At all times ... discontinue the pursuit immediately it becomes likely that it will endanger life or limb, or damage the police vehicle or any other vehicle or property.
 - (b) Drive as correctly as he would under normal driving conditions.
 - (c) Drive with skill and competence.
 - (d) Reduce speed at intersections and other dangerous places.
 - (e) Drive with absolute control and concentration, and retain the ability to make a safe emergency stop at all times.
 - (f) Notify by radio the watchhouse or control room as appropriate of the pursuit location, its direction and the circumstances of the incident justifying the pursuit.
- (5) Except when immediate action is required to prevent the imminent injury or death of any person, no physical attempt to stop a fleeing vehicle shall be made by means of ramming or forcing off the road, nor shall the roadway be barricaded with a police vehicle."

A further General Instruction, GI 61A, addresses the matter of the control or supervision of drivers who are engaged in pursuits. It says at paragraph (2):

"(2) When notified of a pursuit the supervising NCO on duty at the control room or watchhouse as appropriate shall:

- (a) Take charge of the pursuit and inform the pursuing driver of this fact.
- (b) Direct such action as is practicable to contain the fleeing vehicle.
- (c) Limit the number of vehicles immediately involved in the pursuit to two unless there is good reason to authorise additional pursuit vehicles.
- (d) Constantly review the justification for the pursuit and order its discontinuation if in his view danger to life and limb exists.
- (e) Subsequently require the pursuing driver to furnish a written report detailing the circumstances of the pursuit."

The two General Instructions apply to the situation of Anzac Simeon's pursuit and provided guidance for those members involved in their capacities as drivers or controllers.

Taking first GI 61(3) and applying it to the situation under scrutiny it can be said that Police were correct to take up the pursuit of Anzac Simeon. A serious offence had been committed. Mr Simeon was not, initially, being pursued because he was driving at an excessive speed but because he had converted a car. However, as the pursuit progressed and the Ford driven by Anzac Simeon, with disregard for traffic signals, drew nearer to the urban area of Hamilton the question of halting its progress assumed increasingly serious proportions.

For most of the 70km duration of the incident the speeds of Mr Simeon and the following Police vehicles were barely above the 100-120 range. Such speeds are routinely maintained by today's main road traffic in rural areas and, in the appropriate road and weather conditions, they are not alone inherently dangerous.

There is sufficient evidence to indicate that in places where speeds of that order were dangerous, or potentially so, the drivers of the Police vehicles involved either slowed by their own initiative or were instructed to do so by the Eagle helicopter crew, by TSB Sergeant Cooper or by Control.

GI 61(3) refers to the containment of a vehicle or alternative means of apprehension. Such means were continually attempted as the pursuit situation developed. The slowing attempts by the Tuakau car, the Ohinewai car, the Huntly car and Traffic Officer Waters' car illustrate these attempts. The two roadblocks, at Horotiu and Te Rapa are further illustration of attempts to contain the Ford.

Looking next at GI 61(4), there can be no doubt that this pursuit was sustained but, as already noted, speeds were comparatively modest and under constant monitoring by the drivers of the following vehicles and the accompanying helicopter. Transcripts of radio messages from Police with the Ford in sight point to unremarkable, albeit swift, speeds for much of the time.

The most dangerous phase of the pursuit was that which took the Ford driven by Anzac Simeon and the Police vehicles following him along Te Rapa Road, Hamilton. This is a 70 km/h area reducing to 50 km/h at the Vardon Road intersection and Mr Simeon's speed was above this, probably approaching 100 km/h. The incidence of traffic islands along Te Rapa Road obliges traffic to travel at speeds low enough to negotiate them safely; it is unlikely that excessively high speeds could be sustained along its length.

That being so, it is noteworthy that it was in this phase of the pursuit that the radioed instructions to following vehicles to back off, particularly those made by Sergeant Cooper, were most evident. This disengagement action was in accord with the Instruction at sub paragraph (a) of GI 61(4) and reinforces the impression that the pursuit was properly executed and no helter skelter, irresponsible or thoughtless road conduct entered into the Police pursuit.

Other provisions in this GI relate to the manner of driving by Police during pursuits and to reporting of progress. These provisions were observed.

Before leaving GI 61 it is relevant to consider its sub paragraph (5). This prohibits the barricading of the road with a Police vehicle and is the basis for an escape lane or route being left at the Horotiu roadblock. The intent of this section of the General Instruction is quite clear, that is to avoid the likelihood of damage or injury resulting from efforts to detain or stop an offender fleeing in a motor vehicle. It was correctly applied at the two roadblocks and at all other stages of the pursuit.

To summarise this section of this review it is apparent that the provisions of the General Instructions bearing on pursuits were not disregarded in this instance and that they were sensibly applied. That a considerable number of Police and TSB vehicles were involved with several of them maintaining their involvement to the termination of the pursuit is clear. This is directly related to the question of overall control of the pursuits which is addressed in the next section of this review.

The involvement of Police in the pursuit was, therefore, in accordance with the Police General Instructions on the subject.

Steps Taken to Prevent Injury or Death

It is now necessary to address the degree of control, and the efforts by those exercising such control, to avoid death, damage or injury to any member of the public or their property.

During the initial stages of the pursuit, that beginning at the point where Constables Shaw and Cuthbert in the Pukekohe car encountered Anzac Simeon driving towards them southwards on State Highway 1, the pursuit incident was unfolding within the area controlled by Auckland Operations Room.

The time of this encounter is uncertain; Constables Shaw and Cuthbert both report that they received a radio message at about 10.00pm informing all southern Police patrols that the Ford Fairmont had been converted. They came upon the missing car shortly afterwards.

However, Constable Hill, the O/C of the Eagle Police helicopter, reported that at 9.47pm he received a call from the crew of the Pukekohe car to report that they were following the Ford at a point between Pokeno and Mercer. This suggests that the crew of the Pukekohe car encountered the Ford some minutes earlier than they stated.

During the period that the pursuit under the control of the Auckland Operations Room a number of attempts were made to halt the Ford. These have already been described in detail in the section of this report headed 'The Incident' and comprised incident light, siren and public address signals and efforts by cars ahead of, and travelling in the same direction as, the Ford effectively to baulk or stop it. The limited measures that were available to the Police in this rapidly developing situation were fully utilised but to no avail.

Shortly before 10.13pm the Police operator at the Hamilton Operations Room console dedicated to the Te Awamutu Policing area, Constable N. Fookes, enquired of the Auckland Operations Room about the pursuit. The Auckland Control operator informed Constable Fookes that at that time the converted car was being pursued by two Police vehicles: the Pukekohe and Tuakau cars. An Auckland doghandler's van was some distance away. He also advised Constable Fookes that the Eagle helicopter was above the car and that Eagle was O/C, indicating that the helicopter crew were controlling the pursuit. Two other Control Room consoles, being operated by Constables Isaac and Goodson, also received radio messages concerning the pursuit.

The O/C Hamilton Operations Room was Senior Sergeant S J Christian. Senior Sergeant Christian opted to take over control of the pursuit when it reached Ngaruawahia. The factors confronting him have been traversed in the description of the incident as it unfolded. To recap, they included the relatively busy Friday night streets of Hamilton's downtown area through which State Highway 1 passes. Sufficient had been reported of the converted Ford's erratic progress to create the likelihood of a collision occurring between the Ford and another vehicle or a pedestrian if the Ford was driven through Hamilton on State Highway 1.

At the same time it was quite obvious that the driver of the converted Ford would not stop in response to signals from the Police or TSB cars pursuing or preceding it as he had ignored such signals throughout the pursuit.

Senior Sergeant Christian therefore decided to try other means to stop the Ford. To do so he set up the roadblocks at Horotiu and, in the event of the Ford negotiating that block unhindered, at Te Rapa.

The Horotiu roadblock was to be set with an entrance and an exit, and a reminder to that effect was radioed to the members arranging the block. The effectiveness of the block was severely limited by the need to incorporate these safety measures but, as we have seen, they were in accord with the requirements of GI 61(5). There was at the time no 'imminent injury or death of any persons'; the total obstruction of the road was not, therefore, warranted.

It is pertinent to note at this point that the requirements of GI 61(5) were also reflected in the provisions of the now defunct MOT's manual 51, the Traffic Officer's Manual. At Chapter 7 Section 8 Paragraph 7 entitled 'Road Blocks' it states at b:

"Under no circumstances are Traffic Officers to block or obstruct roads with patrol cars or other vehicles or substantial structures in attempts to stop fleeing offenders."

Whilst this particular instruction cannot be said to be binding on Senior Sergeant Christian, it nevertheless reflects a commonality of policy between the Police and the former Traffic Safety Service on obstructing roads in pursuit situations. Clearly the option to use a more solid barrier than the half closed road using the truck was not open to the Police.

The second, rolling, block, attempted at Te Rapa, RNZAF Base was also ineffective in arresting the progress of the stolen Ford. The TSS officers manning two of the vehicles which were to comprise this block were familiar with this technique whereby it is possible to halt a fugitive in a vehicle by boxing that

vehicle in by the use of three Police TSB vehicles. A third vehicle, a Team Police vehicle, could not be incorporated in the rolling block in time. However, the fact that the rolling block was tried comprised another attempt by the Police to arrest the progress of Mr Simeon in the converted Ford.

In light of these several attempts by the Police to halt the stolen car it can be said that the Police took all steps open to them to achieve that end.

Pertinent Issues

At this point it is necessary to pay some attention to the communications arrangements which existed in the Hamilton District at the time of this incident.

In the Operations Room are a number of consoles through which radio communication with patrol cars and other units is maintained. The console being operated by Constable Fookes covered the Te Awamutu Police area; Constables Isaac and Goodson manned other consoles in the Operations Room, these related to Hamilton General Duties Police units. A console dedicated to TSB, the former TSS, communications in the Hamilton area was operated by a civilian lady, Ms Geen.

The Police cars and the Police TSB cars were equipped with different radios using different frequency channels. Senior Sergeant Christian's consequent understanding was that it was not possible to connect the different radio channels so as to allow Police patrol cars to communicate with TSB patrol cars directly. He believed that it was necessary to pass such communications via the respective Operations Room operators; the difficulties this cumbersome arrangement made for the swift co-ordination of the Police and TSB patrol cars are self-evident.

In fact it was possible to cross connect the respective radio channels on which the Police and TSB vehicles broadcast, thereby enabling three way communications between them and the Control Room to be managed at a single console. However, this was not being done as a matter of course.

The arrangements then in place were to be short lived, and it was planned to change the Hamilton District radio coverage in September 1992. After the change all vehicles, TSB and other Police, would be able to communicate directly with each other on an FM frequency band and the interim arrangements here described would no longer apply.

To pass on from the Hamilton Operations Room arrangements, the question of dissemination of information to patrol cars involved in the pursuit deserves attention. This comprises on the spot information from the shadowing helicopter, and also information about the converted car, its driver and the offences concerned.

In the early stages of the pursuit such information as was known about the Ford was broadcast to all Police units by Auckland Control. This information was sketchy, comprising the make, model and number of the Ford and the place from which it had been converted. No information about Anzac Simeon was known.

Such information as was known was relayed to Hamilton Operations Room from Auckland at 10.13pm but it is likely that, by then, the Hamilton staff were aware of most of it from other transmissions by vehicles or the helicopter.

Concerning the helicopter reports of progress, it was noted by its crew that when the pursuit approached the area of Hamilton Control there seemed less opportunity to assist the O/C Hamilton Control by virtue of other radio traffic. However, Snr Sgt Christian later stated that his intention, had the collision not occurred, was to utilise the resource of the helicopter to maintain contact with the Ford and its driver.

The TSB members involved were still operating on exclusively TSB radio frequencies. They knew less of the circumstances. At the Benchmark carpark when the Ford paused momentarily before continuing out of the carpark and down Te Rapa Road, Traffic Officer Morgan prepared to alight from the following TSB car and to approach the stolen Ford.

He later related how he then realised he knew nothing about the occupant or occupants of the Ford, what offences had been committed and whether or not the occupant(s) was armed, violent or in any way dangerous. Clearly, had the Traffic Officer known even the sketchy details already referred to he would have been better able to approach the Ford with some pre-knowledge.

This underlines the communication difficulty once more. Indeed, the precipitating factor in Traffic Officers Waters and Morgan being in place at the start of their particular involvement in the pursuit was quite coincidental. They had shortly before been co-operating in another incident with a Police doghandler, and Traffic Officer Morgan had overheard on the Police radio channel in the doghandler's vehicle that a pursuit was in progress and heading south towards Hamilton.

The factors discussed above under the heading of 'Pertinent Issues' are not in themselves seen as impeding the action that was being taken to stop Anzac Simeon's progress. There were, for instance, sufficient Police cars with radio access to Control broadcasts to maintain contact with the converted Ford. It is unlikely that the final regrettable outcome of the incident could have been avoided, even if all vehicles, both TSB and Police, had been in radio contact and their crews fully briefed that they were in pursuit of a converted Ford believed to contain a single offender known only to have converted the car with no other apparent offence. Nevertheless the incident highlights the importance of communications and the parallel importance of dissemination of information.

Conclusions and Recommendations

The following conclusions are drawn from this review:

- Anzac Simeon did not intend to stop for the Police.
- The Police pursuing Simeon were at all times mindful of safety.
- Hamilton Operations Room staff were not fully aware of the capability of the communications equipment at their disposal.

- Their unfamiliarity went to detract from the effective co-ordination of all units involved in the pursuit, albeit not to a critical degree.
- All means available to them were employed by the Police in their attempts to stop Simeon, and to avoid the infliction of death or injury to any person, tragically without complete success.
- Senior Sergeant Christian was faced with an irreconcilable dilemma between on the one hand attempting to stop Simeon to prevent likely collisions with pedestrian or other traffic and on the other allowing him to proceed unimpeded in the hope that his driving excesses would moderate when pursuing Police vehicles were withdrawn.

It is recommended as a result of this review that:

- This report be referred to the Commissioner of Police for his information and for his further distribution.
- The Commissioner be invited to review the levels of specialist training required in O/Cs of Operations Rooms in the area of helicopter control and co-operation.
- The Commissioner be invited to have reviewed the dissemination of information to members engaged in the pursuit of offenders fleeing in motor vehicles. This, to supply members with all known information about the offender, any propensity to violent or armed resistance, and about the offence(s) leading to the pursuit.

Related Issues

In conclusion it is acknowledged that there are some more general issues relating to the means which Police might in the future be empowered to employ in situations similar to that reviewed here. They have received some specialist and media attention in recent days.

However, it is not felt that this report is an appropriate medium for addressing them. A degree of public debate appears likely to develop around the issues, and to address them or attempt to contribute to the debate here would, it is felt, tend to detract from the stated aim of the Authority's review of the incident resulting in the death of Mrs Parker.

A handwritten signature in blue ink, appearing to read 'J F Jeffries', with a long horizontal flourish extending to the right.

(J F Jeffries)

POLICE COMPLAINTS AUTHORITY

24 September 1992