



POLICE COMPLAINTS AUTHORITY

**Report of the Police Complaints Authority
on the Investigation into the Death of Glenda Brown-Baker
at Gisborne in March 1994**



Police Complaints Authority

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REPORT BY THE POLICE COMPLAINTS AUTHORITY ON THE INVESTIGATION INTO THE DEATH OF GLENDA BROWN-BAKER AT GISBORNE: MARCH 1994

Introduction

Shortly after 11.00pm on Tuesday 15 March 1994 a collision occurred in Gisborne at the intersection of Gladstone and Stanley Roads between a 1971 Holden Kingswood car driven by David Michael Fletcher, a 25 year old forecourt attendant, and a 1981 Toyota Corolla car driven by Edward Alfred Lewis, a 51 year old retired man.

In the Toyota with Mr Lewis were two passengers. One, Ms Sharon Pritchard, was in the front seat. The other passenger, Glenda Brown-Baker (39), Ms Pritchard's sister, was in the rear left-hand seat. Glenda Brown-Baker sustained very serious injuries in the collision which resulted in her death on 25 March 1994. Both Mr Lewis and Ms Pritchard were also injured, to a lesser degree. Both vehicles were damaged beyond repair.

Before the fatal collision occurred the Holden car driven by Fletcher had been driven in a manner which caught the attention of two Police officers in a marked Police patrol car. The officers had pursued and followed Fletcher until shortly before the collision. Two other officers in a second marked Police car had also been involved by creating a road block with the aim of stopping Fletcher's progress. Other Police officers attended at the scene of the collision.

Report to the Police Complaints Authority

At 9.12am the following day, Wednesday 16 March 1994, I was informed of the incident by Police Internal Affairs staff at Police National Headquarters. Glenda Brown-Baker was reportedly very seriously injured and not expected to live.

Section 13 of the Police Complaints Authority Act 1988 requires the immediate notification of the Authority by the Commissioner of Police of any incident in which death or serious bodily harm is caused to any person where a member of Police was acting in the execution of duty.

In this instance the involvement of two Police patrols in the period preceding the collision rendered such notification necessary.

Action Taken

I informed the Commissioner that I would oversee the Police investigations of the incident. Of these there were two. One addressed the road traffic accident aspects of the collision. The other, by a senior detective, took as its focus the wider aspects of the incident including whether established Police policy, practice and procedures had been followed by the Police officers who were involved in the incident. The incident commenced when the officers' attention was first drawn to Fletcher's driving. It ended when he was taken into custody after the collision.

An investigating officer of my staff visited Gisborne on 16 and 17 March 1994 to make a preliminary assessment of the circumstances.

He met with the District Commander and the senior officers responsible for making the internal Police investigations. He visited the scene of the collision and drove himself over the route which had been followed by Fletcher from the commencement to the end of the incident.

He viewed a video recording of an interview of Fletcher by a Police Constable which took place shortly after Fletcher's being taken into custody. He was briefed by the Police on the situation at that time and reviewed the statements and other material up to then generated during the examination of the incident.

Complaint

Mr Lewis and Ms Pritchard subsequently lodged a complaint with the Commissioner of Police about the way in which the Police dealt with the incident and its aftermath.

To understand the complaint is necessary at this point to record that Mr Lewis himself had been stopped earlier by two Police officers, Constables L I Douglas and S L F Williams, who were on patrol in the vicinity. Their Police vehicle is described hereafter as the second patrol car. These two officers ultimately became involved in the incident concerned with Fletcher by setting up a road block as will be described.

Probably at about the time Constables Bradley and Taylor in their separate patrol car first became aware of Fletcher's driving still to be described the second patrol car had stopped Mr Lewis in Gladstone Road. Before speaking with Mr Lewis Constables Douglas and Williams heard that the first patrol car had begun the pursuit of Fletcher. Constable Douglas made a decision not to speak with Mr Lewis and instead to take action to assist the apprehension of Fletcher.

The second patrol car was situated in Gladstone Road. Constable Douglas then drove down to Cobden Street and ultimately took up a position at the intersection of Stanley Road and Childers Road as a road block. Constable Douglas abandoned his first thought to lay road spikes as inappropriate. Mr Lewis then proceeded down Gladstone Road in a westerly direction towards the intersection of Stanley Road and Gladstone Road where he was involved in the collision with Fletcher's vehicle.

In the letter which was received by the Commissioner on 9 May 1994 Mr Lewis and Ms Pritchard complained that the Police were to blame for the collision and the loss of their, uninsured, motor car. The complaint criticised the immediate action taken by the Police officers who were first to reach the scene.

In a further letter of complaint, to me, on 22 September 1994 Mr Lewis and Ms Pritchard reiterated their earlier concerns. They additionally described how, on the night of the collision, they had been stopped by a Police car on Gladstone Road a few minutes before the collision. The Police car drove away without speaking to Mr Lewis who was driving. This has already been described earlier in this Report. Mr Lewis then drove on only to be struck by the Holden at the intersection of Gladstone Road and Stanley Road minutes later.

The letter of complaint pointed out that had they not been stopped they would have passed through the intersection before the Holden reached it.

Aim of this Report

This report will describe in narrative form the events of the evening of 15 March 1994 that eventually led to the death of Glenda Brown-Baker. It will address Fletcher's actions and also those of the Police officers who became involved in the incident during and after the pursuit of Fletcher. It will also consider the complaint of Mr Lewis and Ms Pritchard and make a finding.

The report will then examine the Police policies, procedures and practices relating to the conduct of Police operations in respect of this pursuit. It will assess the effectiveness of their application to this incident.

Finally, the report will attempt to draw conclusions on the action taken by the Police in the incident. It will make such recommendations as appear appropriate in the light of these conclusions.

Narrative of Events

During the early evening of 15 March 1994 Fletcher was at home watching videos. He was drinking beer and, later after the fatal accident, when breathtested for evidential purposes he returned a reading of 887mg of alcohol per litre of breath, the limit being 400mg.

When interviewed shortly after the collision Fletcher said that during the evening he decided to go out to look for a person from whom he wanted to get a warrant of fitness for his car. What was actually meant by this is not clear. Fletcher did not elaborate. Fletcher was not sure where this person was and was trying to find him. After calling at a service station, his place of work, for 15 or 20 minutes and apparently not locating the person he sought, Fletcher was in his car in Leith Street driving towards the intersection of that street with Roebuck Road.

As he emerged from Leith Street and turned right into Roebuck Road the manner in which he was driving the Holden car attracted the attention of Constable G H Bradley.

Constable Bradley, in company with Constable P G Taylor, was on patrol in a marked Police patrol car in Roebuck Road. Constable Bradley recognised by the engine noise that the Holden was powered by a V8 motor. He saw the Holden come into the intersection of Leith Street and Roebuck Road at moderate speed and when it was half-way across the road the driver sharply accelerated. This caused the rear wheels to lose traction and the rear end to weave several times before straightening up and driving off up Roebuck Road in a north-easterly direction towards the intersection of that road with Aberdeen Road.

Constable Bradley decided to follow the Holden, intending to stop it. He regarded the driving as careless or even dangerous.

Constable Bradley drove after the Holden with the blue and red flashing incident lights on the marked Police car operating. The siren was not on at that point. It did not appear to Constable Bradley that the driver of the Holden was attempting to flee, its speed being in the region of 60kmh.

The Holden then turned right into Aberdeen Road without indicating and accelerated to about 80kmh. The Police car's speed was increased to about 60kmh. Constable Bradley decided that the Holden was not in fact going to stop. He put up the headlights on the Police car in order to read the registration number of the Holden. The Constable passed this to the Gisborne Watchhouse for the ownership of the car to be ascertained and reported that he was following the vehicle.

At the corner of Aberdeen Road and Cobden Street the Holden turned right and drove down Cobden Street, its speed being about 60kmh again but increasing to 80kmh. The Police car was approximately 40 metres to the rear. At the intersection of Cobden Street with Palmerston Road, where there is a compulsory stop sign controlling Cobden Street traffic, the Holden drove straight through, momentarily decreasing its speed to about 60kmh. Constable Bradley saw the Holden's brake lights come on briefly as the Holden went across the intersection without stopping. At the intersection Constable Bradley slowed almost to a stop before proceeding after the Holden.

The Holden followed by the Police car was then approaching the intersection of Cobden Street and Gladstone Road. Constable Bradley saw a second marked Police car with its red and blue incident lights operating facing in the opposite direction.

This was a car containing Constables L I Douglas and G L F Williams. They had been about to carry out a check on a car on Gladstone Road when Constable Bradley broadcast his radio report of his following the Holden. Constable Douglas and Constable Williams thereupon abandoned the check they were about to make and instead drove to assist Constable Bradley.

The car they had stopped and had been about to check was that driven by Mr Lewis with which the Holden later collided and referred to earlier in this report.

In Cobden Street the second patrol car encountered the Holden and the following Police car coming towards them. Constable Douglas who was driving the second patrol car allowed the other vehicles to go past before turning and driving from Cobden Street along Childers Road. His intention was to try to get ahead of the Holden to put down road spikes by which it could safely be brought to a halt.

In the event Constable Douglas stopped his second Police car at the intersection of Childers Road and Stanley Road to form a roadblock of Stanley Road, leaving room for an escape route. It being judged there was insufficient time to put down the road spikes.

Returning now to the progress of the Holden and the following Police car driven by Constable Bradley. Constable Bradley turned on the siren of the Police car. As the two approached the Cobden Street and Gladstone Road intersection where there is a give way sign controlling Cobden Street traffic Constable Bradley slowed to approximately 10kmh, it being a normally busy junction. The Holden continued to accelerate without attempting to slow down or give way at a speed estimated by Constable Bradley as 80kmh. By this time the Police car was 100-150 metres behind the Holden.

The Holden crossed the next intersection of Cobden Street and Childers Road in like manner without its brake lights coming on. It then turned right at the end of Cobden Street into Kahutia Street, a street which becomes Anzac Street some metres past the junction with Cobden Street.

Constable Bradley followed at 60-80km, slowing right down again for the Childers Road and Cobden Street intersection, and by that time a distance of 150 metres behind the Holden. Along Anzac Street where there were no cross-over intersections the Constable increased his speed to 70-80kmh. The Holden also

increased its speed and continued to draw away from the Police car. It turned right from Anzac Street into Stanley Road at high speed without attempting to slow down or stop, despite there being a give-way sign at this junction controlling Anzac Street.

Up to this point the Holden had gone through a Stop sign and two Give Way signs since the pursuit started.

When the Police car driven by Constable Bradley turned the same corner into Stanley Road the Holden could be seen some considerable distance ahead at the intersection of Stanley Road and Childers Road.

The second marked Police car was stationary at this intersection with blue and red incident lights operating. Constable Williams, who was in the stationary Police car, reported that the Holden then passed through the intersection at a speed he estimated to be 120-130kmh. Constable Douglas, with him, reported that the Holden became momentarily airborne as it hit the camber of the intersecting Childers Road.

At this point Constables Bradley and Taylor in the following car were about 200 metres to the rear of the Holden. As they approached the intersection the lights and siren of their car were turned off and their Police car slowed. Constable Bradley decided to abandon the pursuit having considered that its continuation could possibly endanger members of the public. Constable Taylor, with him, later reported that Constable Bradley turned off the flashing lights of the patrol car and slowed down.

Constables Douglas and Williams then drove off in the second marked Police car in a westerly direction along Childers Road. This was a different, westerly, direction to that taken by Fletcher to the north. There was no attempt by Constables Douglas and Williams to pursue Fletcher. They intended to try to reach a point on the main highway at Makaraka with a view to putting down road spikes should the Holden take that route out of Gisborne.

Constable Bradley and Constable Taylor had the Holden in sight as it continued towards the intersection of Stanley Road and Gladstone Road at high speed. Constable Bradley saw an orange vehicle, which later proved to be the Toyota being driven by Mr Lewis, enter the intersection from the right along Gladstone Road.

The Constable then saw the Holden collide with this vehicle and slide in a sideways motion through the intersection. He saw the orange vehicle lift off the ground and spin without overturning. He immediately reported the collision by radio to the Gisborne Watchhouse. The collision occurred at 11.20pm. The Ambulance and Fire services were promptly advised at 11.21pm, according to the Watchhouse record.

Constable Bradley then re-activated the siren and red and blue lights of his car and drove up Stanley Road to the scene of the collision.

The Holden vehicle had come to rest in Stanley Road beyond the intersection. The occupant, Fletcher, got out of the vehicle and ran across the road to a residential property. Constable Taylor alighted and pursued him. The Constable caught Fletcher, bringing him back to the Police car having cautioned him and advised him of his rights under the Bill of Rights.

The Toyota vehicle came to rest on the opposite side of Gladstone Road to that on which it had been travelling. It was extensively damaged in the rear left passenger door and boot area. The left rear axle was broken and the left front suspension had collapsed.

Two other constables, Constables P M Scanlon and V P Sheridan, in another patrol car not involved in the pursuit were the first officers to reach the Toyota. They had been alerted to the pursuit by the radio calls made by Constable Bradley. They heard Bradley report the collision at the intersection of Stanley Road and Gladstone Road. On arrival at the scene they found Mr Lewis and Ms Pritchard standing by the side of the

Toyota. Glenda Brown-Baker was in the left rear passenger seat with her seatbelt still fastened and apparently unconscious. The officers cut the seatbelt and placed her on the ground. Cardio Pulmonary Resuscitation (CPR) was applied until the arrival of the ambulance, the crew of which then took over attending to Ms Brown-Baker.

Constables Douglas and Williams, having heard the collision reported on the radio, had gone to the scene and assisted Constables Scanlon and Sheridan with attending to Ms Brown-Baker until the ambulance arrived.

Road Conditions

It had rained in Gisborne earlier in the evening but the roads were dry and it was fine during the course of the incident. The route followed by Fletcher was through residential streets where the speed limit was 50kmh. Fletcher's route crossed major roads at intersections marked by compulsory stop or give-way signs. The pursuit extended for 3.4km, with a further .4km being travelled by Fletcher after Constable Bradley abandoned the pursuit.

Vehicle Conditions

The Holden and Toyota cars were subsequently examined by an auto surveyor. Vehicle accident reports on their respective general mechanical conditions were produced.

The Holden was found not to have been well maintained. Defective rear brakes were felt by the surveyor to have been a possible contributing cause in the collision.

The Toyota was found by the surveyor to be a reasonably well maintained vehicle. No mechanical defects likely to have contributed to the accident were found.

Injuries

Glenda Brown-Baker was hospitalised and placed on a life support system. She died on 25 March 1994 without regaining consciousness.

Mr Lewis sustained minor injuries not requiring hospitalisation. Ms Pritchard was detained overnight suffering whiplash and other injuries which have led to lingering discomfort.

Fletcher was uninjured in the collision.

Civilian Witnesses

The pursuit took place at a time when traffic was relatively sparse. There were no independent witnesses to any stage of the pursuit. An appeal by Police for any witnesses to come forward received no response.

Fletcher: Reasons for Flight

When interviewed Fletcher gave no reason for driving off at speed when challenged by the red and blue flashing incident lights on Constable Bradley's car. Fletcher merely stated that when he saw the Police patrol car flash its red and blue lights on Roebuck Road, on the corner of Anzac Street, he panicked without elaborating on the reasons for his doing so. When asked if he remembered which other roads he drove down, Fletcher declined to volunteer any more information.

However, a number of possible reasons suggest themselves for his panicking. Fletcher had been drinking and his subsequent evidential breathtest produced a reading slightly higher than twice the legal limit. Fletcher had a previous conviction for driving with excess breath alcohol, albeit seven years before, for which he had incurred a six month disqualification. Further, the car Fletcher was driving did not have a current warrant of fitness.

It may have been the combination of these factors, together with judgement impaired by the alcohol he had drunk that evening, which prompted Fletcher to disregard the signal to stop by Constable Bradley and to try instead to make off.

Prosecution

David Michael Fletcher was subsequently charged with manslaughter. He pleaded guilty to the charge and on conviction was sentenced to a term of five years imprisonment.

Police General Instructions

It will be of assistance here to refer to extracts from the Police General Instructions governing vehicle pursuits. They were promulgated in March 1993. General Instruction V2 is headed 'Basic Principles'. It instructs:

"1. A sustained pursuit will not be justified except in very exceptional circumstances and only where:

- a. An offender's continued liberty would constitute a greater danger than the continued pursuit; or*
- b. The offence is serious and constitutes a danger or serious threat to the public or the police."*

(The emphasised words are as in the promulgated GI).

In defining the pursuing driver's responsibility the GI goes on at V6 'Driver Responsibility' to instruct:

"1. Drivers are legally responsible for their actions. They shall exercise every care to ensure their passengers and the public are not placed at risk by the officer's actions. The fact that a vehicle is being driven at excessive speed is not in itself sufficient grounds for a sustained pursuit. Pursuits should not be continued in an unmarked car where a marked car can be called to take over.

2. When a pursuit is considered necessary the officer shall:

- a. advise the control room or supervisor (as appropriate);
- b. drive carefully and skillfully;
- c. drive with total control and concentration and, at all times, retain the ability to make a safe emergency stop.
- d. use warning lights and siren;
- e. reduce speed at intersections and other dangerous places;
- f. maintain radio contact with the control room or supervisor (as appropriate);
- g. discontinue the pursuit immediately it becomes likely that it is likely to endanger life;
- h. complete a pursuit report using preformat *PURSUE on the Wanganui system before finishing duty."

Control of Pursuit

The normal arrangements for the control of units in the local area are less elaborate than those found in the main centres. Gisborne operates a combined Watchhouse/Operations room staffed after 11pm by one or two Constables. There is no permanent operational control room with communicators, dispatchers and supervisors continually at work controlling Police operations as in a large city such as Auckland.

The General Instruction dealing with the duties of supervisors in pursuit situations sets out certain requirements of a supervising officer or NCO in areas serviced by control rooms.

The arrangements normally in place in Gisborne at the time of night that this incident occurred do not lend themselves to conformity with that section of the General Instruction.

The staff deployed on duty in the Police Station at the time comprised a Constable Watchhouse Keeper and the O/C of the Shift on duty, Sergeant D. Knubley. When the pursuit was first reported the Sergeant was at work elsewhere in the Police Station at the same time monitoring radio traffic between the units in the local area and the Watchhouse.

On hearing Constable Bradley's initial report of the commencement of the pursuit the Sergeant went to the Watchhouse/Operations room to find out the latest location of the pursuit. At that point a message was received reporting the collision. The Sergeant immediately went to the collision scene and took charge.

Justification of Pursuit

In this instance Constable Bradley's decision to pursue Fletcher was compatible with the provisions of GI V2(b). Fletcher's driving as he emerged from Leith Street into Roebuck Road caused the Constable to believe that Fletcher's manner of driving was careless to dangerous. Dangerous driving is a serious offence and constitutes a danger or serious threat to the public. Viewed at its commencement and not from the viewpoint of the eventual tragic collision, a decision to pursue and speak to the driver of the Holden was appropriate.

Nevertheless, from the speed at which the Holden was travelling, said to have been approximately 60kmh at that stage, it did not appear to Constable Bradley that the driver was trying to flee.

Looked at objectively the situation was similar to one often encountered by Police in which an example of careless or dangerous driving needed to be brought to the offending driver's attention, it being necessary to stop the driver to do so and to issue any infringement or offence notice the circumstances require.

From the Constable's observations it was in Cobden Street that the driver of the Holden gave a sign that he was not going to stop and in fact was attempting to evade the following Police car. This was when the Holden passed through the intersection of Cobden Street and Palmerston Road, past a compulsory stop sign, with only the barest check in speed from 80kmh down to 60kmh. The speed was still not dangerously high even though in excess of the statutory 50kmh limit.

However the speed of the Holden gradually increased, the Police car being left further and further behind until, at the intersection of Stanley and Childers Roads where Constable Bradley decided to abandon the pursuit, a distance of approximately 200 metres separated the two cars.

Conduct of Pursuit

In examining the manner in which the pursuit was conducted by Constable Bradley it is necessary to compare it with the provisions of GI V6 dealing with driver responsibility.

By comparing the conduct of the pursuit with the provisions of the General Instruction it is clear that Constable Bradley was careful to observe its provisions. He reported to the Gisborne Watchhouse that he was in pursuit of the Holden. His driving was careful in that he slowed and observed caution at intersections before proceeding. The brief duration of the pursuit, reported as between three and five minutes, gave little opportunity for comprehensive reports to be passed to Control or for instructions to be received by the pursuing driver from Control.

Despite the short duration, reports were made by Constable Bradley when turning right from Aberdeen Road into Cobden Street and whilst travelling along Anzac Street towards Stanley Road. Another report was made on Stanley Road and the collision itself was reported immediately after it happened.

The General Instruction requires that a pursuit be discontinued immediately it becomes likely to endanger life. Both Constable

Williams and Douglas reported that the lights and siren of Constable Bradley's car were turned off as it approached the intersection of Stanley Road and Childers Road where the second car was positioned with the intention of stopping the Holden.

Constable Bradley later stated that he had decided to abandon the pursuit at that intersection and turned off the lights and siren.

From this I conclude that the manner in which Constable Bradley conducted the pursuit was in accordance with the provisions of the relevant General Instruction.

Action at the Scene

The immediate action taken by the two officers first to reach the crashed Toyota, Constables Sheridan and Scanlon, was to remove Glenda Brown-Baker from the damaged car and to administer CPR. They were assisted in this by Constables Douglas and Williams who arrived shortly afterwards.

Mr Lewis and Ms Pritchard were standing next to the car on the arrival of the Police. Ms Pritchard was most concerned about her sister Glenda. Mr Lewis and Ms Pritchard were both taken to hospital by ambulance for their own injuries to receive treatment.

Evaluation of Incident

This incident which had such a serious culmination began with the relatively routine interest being taken in an offending driver by a Police patrol. Such beginnings are not uncommon and it is unfortunate and tragic that it ended with the death of Glenda Brown-Baker, unforeseeable at the outset of the pursuit.

The eventual unhappy outcome of the matter was obviously not predictable at the time Constable Bradley decided to pursue Fletcher in the Holden and in that regard no criticism or censure attaches to his decision.

It is clear from the investigation that the Police car was driven carefully and with caution during the pursuit. As the pursuit unfolded it became apparent that Fletcher was not going to stop. He ignored the lights and siren of the pursuing car and he drove round the stationary car of Constable Douglas and Williams at the intersection of Stanley and Childers Road.

By that time the speed of the Holden was very high and the pursuing Police car was a considerable distance behind having slowed right down for the intersections over which the Holden drove at increasingly high speeds. Constable Bradley then wisely decided to abandon the pursuit turning off the lights and siren of his car, an action observed by Constables Douglas and Williams in the second vehicle constituting the road block.

The fact that the Police pursuit had been abandoned may not have been apparent to Fletcher despite the cessation of siren noise and extinguishing of flashing lights. However, it is noteworthy that Mr Lewis, the driver of the Toyota, stated that when his vehicle was struck from the left side he had not seen any vehicles travelling north along Stanley Road. This was the direction in which the Holden was travelling. Mr Lewis went on to state that no Police cars or flashing lights could be seen at that stage. This corroborates that at the time of the collision the lights and siren of Constable Bradley's car were off and that he had in fact abandoned the pursuit.

Constable Bradley had made a number of radio reports to his base at Gisborne Police Station during the course of the pursuit. He had not made a report that he had abandoned the pursuit. However his intention was evidenced by the turning off of lights and siren. Almost immediately afterwards the Holden collided with the Toyota, this clearly overtaking in urgency and importance any report of abandoning the pursuit that he may have then intended to make.

The collision was caused by Fletcher's excessive speed and failure to observe a compulsory stop sign. This was the sign at the intersection of Gladstone and Stanley Road which controlled traffic on Stanley Road, the road on which Fletcher was

travelling. The speed at which he was travelling cannot be separated from the fact that he had been pursued by a Police car with red and blue flashing lights and siren operating, albeit that pursuit had ceased. He was fleeing, by his own account in panic. The difficulty here is deciding whether or by what degree the speed and manner of Fletcher's driving could be attributed to the Police pursuit and from that whether the collision could at least in part be attributed to the pursuit.

Fletcher's erratic driving was the reason for the pursuit having been taken up in the first place. He had consumed a considerable amount of alcohol and was a danger to other road users before the intervention of the Police patrol. The pursuit was conducted with caution and within the parameters of the Police General Instruction on the subject.

Other recent Police pursuits of fleeing motorists have caused a fresh look to be given to the Police General Instructions on vehicle pursuits. Their review is in hand. In addition a multi-disciplinary committee is to examine high speed Police vehicle pursuits with a view to making appropriate recommendations, as recommended by a Police Complaints Authority report on the investigation into the death of Simon Keith Wright in Auckland on 27 April 1994. It has been stressed in a previous report that vehicle pursuit is a community problem and not exclusively one for the Police alone.

Complaint

Before the conclusions of this report are drawn it is necessary to address the concerns of Mr Lewis and Ms Pritchard which they brought to the attention of the Commissioner of Police in a letter his staff received on 9 May 1994 and in a letter to me on 22 September 1994.

The essence of the complaints was two-fold. Firstly that at the scene of the collision the Police officers who attended did not perform their duty as the complainants expected. Mr Lewis and Ms Pritchard said that it was necessary for Ms Pritchard to prompt the Police to release her sister Glenda from the damaged Toyota car.

Ms Pritchard complained that the officers had to be helped by her to properly apply the resuscitation mask to her sister's face. Ms Pritchard claimed no attention was paid to her injuries and those of Mr Lewis until they were taken by ambulance to the hospital.

The second part of the complaint concerned the Toyota being stopped by Constables Douglas and Williams on Gladstone Road shortly before the fatal collision. The Police did not get out of the patrol car and tell Mr Lewis and his passengers that a Police chase was in progress and to stay off the road.

Mr Lewis and Ms Pritchard said in their letter to the Commissioner that they felt that the Police were to blame for the loss of their car, which was damaged beyond repair.

The Scene

Addressing first the conduct of the first Police officers at the scene of the collision, Constables Scanlon and Sheridan, it is clear that on arrival they were greeted by the sight of the extensively damaged Toyota, two of its occupants by then standing beside it and with Glenda Brown-Baker apparently trapped in its rear seat.

Their immediate attention was directed to Glenda Brown-Baker, clearly the most seriously injured victim, to establish whether she was breathing and to extricate her from the wrecked car. It was necessary for Constable Scanlon to run to his car to get a resuscitation mask. The seatbelt holding Glenda in the car was then cut and she was lifted out by the two Constables. Resuscitation was begun, with the help of Ms Pritchard. An ambulance arrived very shortly afterwards and the assistance to Glenda Brown-Baker was taken over by the ambulance officers.

The Constables were correct in devoting their attention to the most seriously injured victim of the collision. Mr Lewis and Ms Pritchard were conscious, walking and standing upright and

clearly not seriously injured. They were however conveyed to hospital by ambulance. Mr Lewis was discharged after minor treatment. Ms Pritchard was admitted and discharged later.

From the evidence I have seen I do not believe the immediate actions of the Police at the scene of the collision warrant any criticism.

First aid was applied to Glenda Brown-Baker as quickly and as effectively as possible and her life was preserved albeit she tragically succumbed to her injuries some days later. Ms Pritchard, seeing her sister in such desperate circumstances, was understandably most concerned about the steps being taken by the Police, but there is no indication that those steps were defective in any way.

A post mortem examination found the cause of death to have been bronchopneumonia, intercranial haemorrhage, fracture dislocation of atlanto occipital joint with fracture of the second cervical vertebra. Such severe injuries would not have been susceptible to easement by first aid or CPR efforts at the scene.

Prior Police Stop

Turning now to the question of the Toyota being stopped by Police before the collision, the complaint is that Mr Lewis and his passengers should have been warned a Police pursuit was in progress and advised to stay off the road.

It is clear that at the time Mr Lewis was stopped there was no indication of the route the pursuit might take or its likely duration.

At the point when Constable Douglas in the second patrol car first heard on his radio that a pursuit was in progress and decided not to approach Mr Lewis the direction of the pursuit

was eastwards along Aberdeen Road. Mr Lewis was on a parallel road facing west. It was not necessary for the Police to advise Mr Lewis to stay off the road.

The unfortunate coincidence which then resulted in Mr Lewis's Toyota being on the Gladstone Road/Stanley Road intersection at the moment the Holden was driven into the intersection at such a high speed was quite unpredictable. No blame or responsibility for the fatal accident and the destruction of the Toyota can be attributed to the Police.

Finding

I am therefore unable to uphold the complaints lodged as a result of this regrettable and unfortunate incident.

Conclusions

The conclusions are as follows:

The pursuit of Fletcher by Constables Bradley and Taylor was conducted within the parameters set out in Police General Instructions for drivers relating to vehicle pursuits.

When it became apparent to Constable Bradley, the driver, that the pursuit was likely to endanger life it was abandoned.

This abandonment may not have been apparent to Fletcher whose driving at excessive speed and in a dangerous manner continued after the abandonment of the pursuit.

The action taken by Police at the collision scene to assist the victims was appropriate and timely.

Finally, Police pursuits, however carefully carried out, inevitably carry with them a very real risk to members of the general public going about their lawful business.

Recommendation

It is recommended that the Commissioner of Police bring the contents of this review to the attention of those Police members to whom reference is made in the report.

A handwritten signature in blue ink, appearing to read 'Sir John Jeffries', is written above the printed name.

Sir John Jeffries

POLICE COMPLAINTS AUTHORITY

18 November 1994

