

## **Report of the Police Complaints Authority on the Investigation into the Death of Ronald Reese Hopkins on 7 October 1995**

### **Introduction**

At 0425 hours on 7 October 1995, Ronald Reese Hopkins (hereafter referred to sometimes as "the deceased") aged 23 years, whilst riding an off road motorcycle crashed into a power pole when under pursuit by a Police patrol car. The accident occurred a little over a 1/2 kilometre north of Paraparaumu township. The full circumstances of the pursuit will be outlined hereafter. He was rendered unconscious by the impact and was flown to Wellington Public Hospital by helicopter where he died at 1045 hours the same day.

### **Report to the Police Complaints Authority**

Because there was a death arising out of direct Police involvement the incident was immediately reported to me at my home later in the morning of Saturday 7 October 1995 pursuant to Section 13 of my controlling Act.

An internal investigation had already been commenced by Police at Paraparaumu, where the incident occurred. I arranged with Senior Sergeant Steve Brady (who has since retired from Police service) for me to visit the scene that afternoon and to examine the progress that had been made in the investigation and to direct avenues of enquiry that I wished to be followed. On 10 October 1995 I wrote to the Commissioner formally acknowledging the notice I had received and informed him I awaited the results of the investigation.

No complaint has been received arising out of this incident.

### **Background**

The events that occurred on Friday 6 October are of importance to the background to the pursuit that took place in the early hours of Saturday. Marine Parade, Paraparaumu Beach is a focus for young people on Friday and Saturday nights where alcohol is consumed. The disturbance there that required Police to attend in numbers apparently began when a youth was reported to be walking around the beach carpark holding a lit emergency flare. There

was a group of up to 40 young persons that caused disorder. Staff numbers at the Paraparaumu Police Station near the township were small and the Police who attended at the Beach were grossly outnumbered and reinforcements were called. The dog handler and a Porirua patrol with two constables attended to assist. At the height of the disorder Sergeant A. Cooper was struck in the face with a beer bottle. The deceased was part of the group and he struck the dog handler and was arrested by him for assault. Besides the deceased six other persons were arrested and all taken to the Paraparaumu Police Station to be processed. The arrests took place from 2315 hours onwards.

There is no evidence that the event next to be mentioned had any connection with the disorder at the Beach but just prior to Hopkins' arrest an attempt was made to burn the Paraparaumu Police Station down whilst Police officers were processing some of the arrested people. A passing taxi driver noticed the flames and extinguished the fire. I observed slight damage to the building when I attended on the Saturday afternoon.

Hopkins was arrested at 0200 hours on Saturday 7 October after he had allegedly assaulted Constable S. Bothamley. In the course of this physical exchange Hopkins suffered slight grazes to the face and a small cut to his left ear. He did receive a blow to his head from the Constable's torch during the scuffle. It is not known for certain but this blow could have caused his left ear to bleed. This was noticed at the scene and later at the Police Station as referred to below. Hopkins was returned to the Police Station where he was searched and placed in the cells at 0225 hours.

Whilst in the cells Hopkins was aggressive and agitated. It should be mentioned that the Police Station is a converted dwelling and the space for holding prisoners in any numbers is unsatisfactory. Sergeant Cooper offered Hopkins an opportunity to be examined by a medical doctor for the bleeding ear but he declined. Sergeant Cooper said Hopkins told him the left ear sometimes bleeds as a result of piercing. Sergeant Cooper stated he considered Hopkins intoxicated but not drunk.

Sergeant Cooper was the senior officer in charge at the time and made a decision to release the prisoners including Hopkins. Sergeant Cooper was concerned about the fact 4 or 5 youths were hanging around the front of the Police Station and that other people were calling on the telephone enquiring when the prisoners would be released. In view of the arson attempt and the potential for further problems Sergeant Cooper directed staff to release as many prisoners as they could, where possible calling parents for those that were juveniles. In the view of the investigator this was a sensible decision in the circumstances.

Hopkins was released from the Police Station at 0336 hours. The charge sheet gives the time at 0300 hours but Constable Davidson is adamant he released Hopkins from the Station at the stated time and he noted that time in the prisoner book in the Watchhouse. Hopkins was seen again shortly after he was released as stated below.

At approximately 0345 hours Senior Constable Reay and Sergeant Cooper left the Station in a Police vehicle to deliver a 17 year old youth home and then to drop Sergeant Cooper at his house. Both Police occupants of this vehicle identified Hopkins walking on Kapiti Road into Amohia Street with two other persons they could not identify. After dropping off Sergeant Cooper Senior Constable Reay returned to the Police Station.

### **Separate But Related Incident**

When Senior Constable Reay returned to the Police Station he learned that a security guard was in the Station making a complaint of assault in relation to an incident that had occurred outside the Waikanae Hotel some few kilometres to the north. At the time there were six officers still on duty and it was decided that all officers would travel to Waikanae to locate the offenders in the assault complaint.

The first patrol car to leave the Station contained three officers, namely Senior Constable Kevin Reay, Constable Tracey McGirr and Constable Anthony Davidson. Constable Reay was the driver. The car drove out of the Station onto Rimu Road which connects after a short distance with Kapiti Road. The car turned left off Kapiti Road at the traffic lights onto Amohia Street which is also part of State Highway One, the main traffic route north.

### **Encounter with Hopkins at Service Station**

The Kapiti Road/Amohia Street intersection is controlled by traffic lights. On the north-east corner of the intersection there is situated a 24 hour Mobil Service Station with an extensive forecourt running parallel with Amohia Street. As the vehicle turned Constables Reay and Davidson noticed Hopkins riding a motorcycle south along the Service station forecourt. He was not wearing a safety helmet and two of the constables thought there were no bike lights on. I return to this issue of lights on the bike later. Hopkins was observed to ride towards a parked Austin Princess motor car at the south end of the Service station. The constables knew Hopkins had been released about an hour earlier and that he might have been over the legal limit in respect of alcohol in his blood.

Constable Reay decided to speak to Hopkins to warn him and turned around after travelling a short distance north in Amohia Street and entered the Service station at its northern

entrance. He drove around the rear of the Service station building but temporarily lost sight of Hopkins on the bike.

There were four occupants of the Austin Princess who all knew Hopkins. Three were interviewed following the accident yet to be detailed. The fourth person, despite attempts by the Police to interview him, consistently refused, and his address now is not known. The occupants of the Austin were two males and two females. One of the female witnesses said Hopkins asked them "*What should I do?*" or words to that effect which was a question prompted by the arrival of the Police patrol car. The witness said "*We said to him, just go, get out of here*". Two other witnesses interviewed do not corroborate this account.

Hopkins then made off over the grass patch and footpath at the southern end of the Station and accelerated north along Amohia Street. Members of the Police patrol heard the motorcycle accelerate away, being at the time behind the building. The Police patrol then left the service station at its southern exit turned right and drove north after Hopkins. At this stage Hopkins was about 60 metres ahead of the patrol car.

### **Description of the Scene**

Before detailing the pursuit itself, which was extremely short, I think I should offer a description of the area and give measurements. As stated Amohia Street onto which the patrol car and motorcycle entered after leaving the service station is the main State Highway north. It proceeds in a northerly direction on the flat until it reaches an intersection on its left at about 440 metres from the southern exit of the service station to the southern end of the said intersection. The roadway from this intersection retains the name Amohia Street and after the intersection the main roadway rises on a slow right-hand bend over a railway bridge and is called Rimutaka Street. Off the bridge it turns left and travels north.

Amohia Street Extension (that is through the intersection referred to above) turns relatively slowly to the right off Amohia Street and then straightens for a short distance about parallel to the western side of Amohia Street before it makes an almost right angle turn in a westerly direction. From a point which marked the end of the 440 metres mentioned above the distance on the right hand curve of the Extension to the power pole which the deceased struck is 75.2 metres. The overall measurement from the southern exit of the service station to the power pole is approximately 515 metres.

It is assumed Hopkins on reaching the intersection with Amohia Street Extension decided to take a straighter route, so to speak, into the Extension instead of staying on the main highway and turning right over the Rimutaka Street and the railway bridge.

## **The Pursuit**

From the time the patrol car turned out of the service station exit at approximately 0425 hours until the accident occurred with the power pole in Amohia Street Extension only about 30 seconds elapsed. The driver of the patrol car accelerated to about 80kph and at about 200 metres into the pursuit he activated the red and blue flashing lights. At this point Hopkins was still 50-60 metres ahead. After travelling another 100 metres (about 3/4 of the total distance from beginning to the 440m point at the intersection) the driver activated the siren. Hopkins made no attempt to stop. It would seem the only rational inference on all the evidence is that the deceased was aware he was being signalled to stop.

Hopkins continued after the siren another 100 metres to the intersection of Amohia Street and the Extension. He turned slightly left into the Extension, rode across the centre island which extends approximately 9.4 metres into the intersection as a dividing strip and thus moved onto his wrong side of the road and returned to the correct side to strike the western kerb and bounced up onto the footpath. He appeared to be braking for the rear of the motorcycle seemed to be bouncing. On the footpath he went straight ahead and collided head on with a wooden power pole on the western side of the roadway.

In summary at the intersection Hopkins made a left-hand deviation to enter the Extension but straightened up to ride over the dividing strip but continued on a more or less straight path which took him temporarily onto his wrong side and then onto his correct side and hit the left-hand kerb for him, and finally the power pole on the footpath. From the point where he rode up onto the footpath to the power pole at 16.2 metres tyre marks were recorded on the footpath between 12.9 metres and 8.8 metres from the power pole.

There was no other traffic on the roadway and driving conditions were good. No member of the public was placed at risk by the pursuit. The speed zone in which the pursuit occurred was 50kph.

## **The Motorcycle**

The motorcycle was examined by Mr Jim O'Shaughnessy, Vehicle Inspector, Vehicle Testing NZ Ltd. The motorcycle was a 1982 Honda WR 200R off-road bike. It was unregistered and had no warrant of fitness. The headlight, tail, stop and red reflectors were fitted but not working. The headlight wires were disconnected and there was no light switch fitted at the time of inspection. Mr O'Shaughnessy stated it was possible the headlight connection had come loose as a result of the collision. There was no horn or indicators fitted. The front

brakes worked but the back brakes did not. The motorcycle was clearly not in a roadworthy condition.

The motorcycle was owned by another man who had bought it some six months before for \$750. The owner did not possess ownership papers and confirmed the bike never had registration plates. The motorcycle had been left by the owner at a friend's place at Marine Parade, Paraparaumu Beach. The owner had not ridden the bike for several months and he said the front brakes were good but the back were not. He said the front and back lights came on when the motor starts and expressed surprise when he learned the lights were not on at the time of the accident.

The owner had told the person with whom he left the bike he could use it any time he liked. That person said that at approximately 0330 hours that morning he rode the bike from Marine Parade to the Mobil Service Station to get something to eat. He said he wore a helmet. He said the headlight was working but not the taillight. He said the front brake was good, the rear brake not quite as good, but good enough to stop the bike easily enough without using the front brake.

This person who had ridden the bike to the service station recognised the occupants of the Austin Princess. He met Hopkins outside the service station building and agreed at his request to allow him to ride the bike. This Hopkins did. The person said he did not consider Hopkins drunk and Hopkins never asked to use the helmet. Hopkins rode the bike up and down the forecourt a couple of times and around and around the building. He saw the marked Police patrol car head north in Amohia Street and then drive into the service station. He recalls at that point Hopkins took off on the motorcycle unexpectedly.

Whether there was a headlight on the bike at the service station and later on the roadway north is a matter of conflict on the evidence. Two constables in the patrol car did not believe the headlight was on when they saw the bike first. A service station attendant said he did not think the headlight was working on the bike. On the other hand the person who had ridden the bike to the service station said the headlight was working. An investigator recovered the service station tape which films from five cameras. I have examined that tape which shows the motorcycle and the Austin vehicle. In my view I think the tape shows clearly a headlight working on the bike at the station with presumably Hopkins on it but the tape is too poor for him to be identified. Whether the headlight was on when Hopkins left the Station is not able to be verified. The road north is fairly well lit which for a vehicle travelling behind the bike makes it difficult to be certain. I do not believe the headlight issue can be conclusively decided when the bike was on the roadway.

## **Personal Details of Deceased**

On 9 October 1995 on the instruction of the Coroner Dr R W Hill, a duly qualified and registered medical practitioner practising as a pathologist, carried out a post mortem examination of the body of the deceased lying in the Wellington Hospital mortuary. It is not necessary to detail Dr Hill's report as his essential findings are contained in the final two paragraphs of his report:

*"A microscopic examination of various tissues has been made. Sections of myocardium showed extensive intramyocardial haemorrhage with scattered foci of myofibre necrosis and acute inflammatory exudate signifying associated ischaemia. An extramural coronary artery shows moderate atherosclerosis with probable plaque rupture. The lungs showed acute adult respiratory distress syndrome in addition to early bronchopneumonia. Sections of kidney appears autolytic but otherwise normal.*

*From the above detailed examination I concluded that death was due to multiple trauma injuries complicated by shock."*

Two samples of blood were taken from the deceased, one after his admission to hospital at 6.05am and another post mortem some 4 1/2 hours later. The samples were sent to the Institute of Environmental Science and Research Ltd for examination and alcohol analysis. The earlier reading (ref. BR1239) taken whilst the deceased was alive gave a reading of 124 milligrams of alcohol per 100 millilitres of blood. The later sample (ref. BR7326) from blood taken post mortem gave a reading of 70 milligrams of alcohol per 100 millilitres of blood. The legal limit is 80 milligrams. The body can clear alcohol at the rate of 10 milligrams per 100 millilitres per hour or more. The lower count is explained by the body purging alcohol whilst he was alive. These figures and interpretation were confirmed by a scientist from the ESR.

It seems clear from the foregoing that the deceased's blood at the time he was riding the motorcycle immediately prior to the accident was materially in excess of the legal limit for him.

On the date of the accident Hopkins had a learner's driving licence entitling him to drive a motor vehicle only, and because he was under 25 years he was subject to statutory restrictions. He did not possess a licence entitling him to ride a motorcycle.

## **General Instructions in Vehicle Pursuits**

General instructions control Police pursuits and I reproduce V1 and V2 which represent the definition and basic principles:

## *“VEHICLE PURSUIT*

### *V1 Introduction*

*(1) A pursuit is an active attempt by a Police officer, in a vehicle, to stop a moving vehicle where the driver of that vehicle is attempting to avoid apprehension.*

### *V2 Basic Principles*

*(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.”*

In my report on the Simon Wright pursuit (1 August 1994) I drew attention to the definition of pursuit and then to the fact that in V2 under ‘Basic Principles’ the word ‘pursuit’ is preceded by ‘sustained’ without explanation. I said this in Simon Wright at page 17:

*“The term ‘sustained pursuit’ is not defined in the General Instructions. The relevant definition of ‘sustain’ from the Concise Oxford Dictionary is ‘maintain or keep ... going continuously’. I turn to decide whether on the facts this was a sustained pursuit. This is a threshold question for the General Instructions seem to be designed to control sustained pursuits but again it is not entirely clear.”*

In Simon Wright after covering the facts of that case I had little difficulty in deciding that pursuit was a sustained pursuit to which the full General Instructions on pursuits applied. The distance of that pursuit was 4.7 kilometres for a period of time of approximately three minutes.

On the facts of this case I do not believe the pursuit was a “sustained pursuit”. When the officers in the patrol car left the exit at the southern end of the service station immediately after Hopkins it was a pursuit. However on the basis of it covering a distance of only 515 metres and in time 30 seconds, or possibly less, it could not be said it was a ‘sustained pursuit’ giving the natural and ordinary meaning to that term.

The warning lights and siren were only activated at about 240 metres and 140 metres respectively before the fatal collision. There was no time for the patrol car to make contact with the Control Room to place themselves under the direction and control of a supervisor there as required under V5 of the Instructions. I do not believe the officers themselves in that very short space of time had the opportunity to do the checks under V2 ‘Basic Principles’ or to be reminded of them by the supervisor after making contact with the Control



Room. The 'Duties of Supervisors' under V5 clearly contemplate time to explore with the officers of the patrol the facts of each pursuit situation which will always be unique.

Under General Instruction V6 "Driver Responsibility" the manner in which the driving in the pursuit is to be conducted is set out. It is within these Instructions at V6(2)(a) the obligation is placed on the patrol car to "*advise the control room or supervisor (as appropriate)*". The "*as appropriate*" is probably meant to cover situations where there is no control room but also could embrace sufficiency of time as the facts of this case indicate.

### **Review by Police Complaints Authority**

There are a few features that stand out of this particular incident which resulted in the tragic and needless loss of a life. The actual pursuit cannot be properly evaluated except against the background of the events earlier in the evening.

There had been a moderately serious disturbance at Paraparaumu Beach some hours before involving of necessity the Police and in some numbers. The disturbance seems to have had its origins in a congregation of young people in fair numbers, with no particular activity being pursued apparently other than consumption of alcohol. After the arrival of Police some members of the group engaged in disorderly behaviour and seven were arrested, of whom the deceased was one. He is alleged to have assaulted an officer. He was taken with others to the Police Station, kept in custody for a short time and then released on bail. It seems a fair assumption at the time he was released he was in a state of some physical and mental agitation. While in the cells he was said to have been aggressive and agitated. The time was early hours of the morning. It seems by chance he met a group whom he knew at the service station and there borrowed the motorcycle which was probably an unfamiliar machine to him and which was in poor condition as to its essential safety features such as brakes and lights. He did not avail himself of the helmet which was there. He had no licence to ride the bike. He rode the bike around the forecourt and other areas. It seems he spotted the Police patrol and with it turning into the service station guessed he could be questioned. He was not fit to ride the bike safely by virtue of the consumption of alcohol which would also have had the added detrimental influence on his judgement as to the best course of action for himself. Unfortunately he determined to try to escape by fleeing down the road in a northerly direction. It will never be known why he took the decision to ride into the Extension of Amohia Street as he did. By far the safer course would have been to continue on the main highway into Rimutaka Street. It is assumed the deceased would have known this area well. Perhaps he thought by going into the Extension he would have had a better chance of escape.

I have reached the view that the Police officers had to make some attempt to stop him by pursuing him and formally signalling him by lights and siren to stop. The Police did hardly more than that before the accident occurred. If the deceased had stayed on the open highway I think the Police should have then abandoned the pursuit for they had all essential evidence and identification to lay charges at a later date arising out of his conduct excepting evidence of his blood/alcohol level.

**Conclusion**

The pursuit was extremely short in time and distance and within those confines I find no fault in Police conduct.

Sir John Jeffries  
POLICE COMPLAINTS AUTHORITY  
27 May 1996