

THE AUTHORITY'S INVESTIGATION

7. The Authority conducted interviews and reviewed all witness statements, documentation and CCTV footage provided by Police relating to the incident.
8. This report considers whether the Police response to the victim of the hit and run was timely and appropriate.

THE AUTHORITY'S FINDINGS

Was the Police response to the hit and run timely and appropriate?

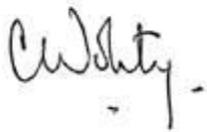
9. The Mercedes was driving down a relatively steep incline on Victoria Street West towards an intersection with Wellesley Street West. Ms Y was crossing the road about 100 metres before the intersection when the Mercedes struck her. As soon as Ms Y was hit, Mr Z stopped his vehicle. Ms Y landed on the side of the road, near the pavement.
10. Officer A, in the first Police van, drove past Ms Y seven seconds after she was hit. Two seconds later, a Police car with two officers came past. They overtook Mr Z's vehicle, crossing over the centreline (with no oncoming traffic). When they got to the intersection, they saw the Mercedes travelling at speed up College Hill. About this time a second Police van drove past Ms Y and Mr Z, and they briefly glimpsed the tail lights of the Mercedes as it sped away.
11. None of the officers in the first three Police vehicles saw Ms Y lying on the ground. It is possible that two parked cars obscured their view. All the Police vehicles had their flashing lights on and were focused on following the fleeing Mercedes.
12. Six seconds later, a second Police car approached as Mr Z was moving his vehicle to the side of the road. Officer B, who was a passenger in the second Police car, said he saw an object on the ground, but was not sure exactly what it was as it was very dark, and the object was off to the side of the road.
13. Officer A (in the first Police van) stopped at the intersection lights and, after the next three Police vehicles had passed, did a U-turn.² He headed back up Victoria Street West on the other side of the road from where Ms Y was lying, 31 seconds after first passing her. His view of Ms Y was not obstructed when he drove past the second time; however, he still did not see her. He also did not recall seeing any members of the public moving towards Ms Y on the side of the road. Officer A told the Authority: *"I just feel really bad that I didn't see someone lying on the ground."*
14. Meanwhile Officer B went through the intersection lights and, just a bit further along the road, said to his colleague: *"I think we just need to turn around and go and check out what that was on the ground"*. They turned around immediately and headed straight back. Officer B saw some members of public gathered together and quickly realised the object he had seen was Ms Y lying on the ground.

² Officer A had left officers at the apartments of the original incident and was returning to collect them.

15. Mr W, one of the members of the public who attended to Ms Y, had come out of his apartment when he heard a thud and called the ambulance. He later told the Authority, *"...somewhere around the time of finishing the [111] call one of the police vehicles turned back up on the scene, blocked the street off top and bottom...."* He said that after the first Police vehicle arrived, the officers were *"pretty quick out of the car and helping out with assessing [Ms Y]..."* He said it was *"quite a few minutes"* until the Police car arrived, but there was a *"pretty strong Police presence"* after that.
16. Officer B spoke to Ms Y and established her identity, then advised the Northern Police Communications Centre (North Comms), ensuring an ambulance was on the way. Police secured the scene and collected witness details. The Serious Crash Unit also attended.
17. The CCTV operator later said that, when he had heard about a disorder in Nelson Street, he looked at the cameras there and saw the Mercedes come out of Nelson Street, driving very fast. It sped down Victoria Street West and he lost sight of it. He checked the camera footage and obtained the Mercedes' registration number, which he broadcast over the radio. About 10 to 15 minutes later, North Comms told him a pedestrian had been struck on Victoria Street West, so he reviewed the footage and saw the Mercedes hit Ms Y. The operator said when he was observing the Mercedes live it was travelling too fast and he had not seen Ms Y get hit.
18. The Authority accepts that the officers were unaware that Ms Y had been hit by the Mercedes as they did not see her. Although Police would have ideally attended to Ms Y as soon as she was hit, Officer B immediately followed-up on the possibility he had seen something. As soon as Police became aware of what had happened, their response was appropriate.

FINDING

The Police responded to the hit and run as soon as they were aware of it, in a timely and appropriate manner.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

17 September 2019

IPCA: 18-1037

ABOUT THE AUTHORITY

Who is the Independent Police Conduct Authority?

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

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

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

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

What are the Authority's functions?

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

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

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

This report

This report is the result of the work of a multi-disciplinary team of investigators, report writers and managers. At significant points in the investigation itself and in the preparation of the report, the Authority conducted audits of both process and content.



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