

**REPORT OF THE POLICE COMPLAINTS AUTHORITY
INTO THE NON-FATAL SHOOTING OF JASON EDWARD WILLIAMS
AT CHRISTCHURCH ON 21 NOVEMBER 2001**

OUTLINE OF INCIDENT

On 21 November 2001 Jason Williams, then aged 32, was shot once by a Police officer in Avonside Drive, Christchurch. The shooting followed a vehicle pursuit which had commenced in Rangiora and which terminated in Avonside Drive. Mr Williams sustained from the shooting a non-fatal injury.

Mr Williams was at the time living with his partner in a caravan on a property in Southbrook Road, Rangiora. During the afternoon of 21 November a member of the public observed Mr Williams brandishing a machete around the property and at 3.50pm she called the Police Communications Centre to report this. For his part Mr Williams, between 4.01 and 4.04pm, twice telephoned the Communications Centre, advising them that the Police would have to shoot him to stop him and that he was waiting at the Rangiora address for them to arrive.

A Police officer arrived at Southbrook Road at 4.13pm. He saw Jason Williams with a machete at the front of the address confronting two women, his partner and a friend of hers who was visiting. The officer remained in his vehicle, awaiting reinforcements which had been dispatched. However, at 4.19pm Jason Williams and the two women left the scene in a car driven by his partner, she driving the vehicle because he had told her to.

The incident then developed into a pursuit which eventually involved several Police vehicles. The pursuit culminated with a car containing Jason Williams and the two women being forced

to stop in Avonside Drive, Christchurch, by members of the Police Armed Offenders Squad who were a part of the Police response to the perceived threat posed by Jason to his two female companions, he still having the machete with him. In the course of the stop in Avonside Drive one of the Police vehicles struck a power pole, injuring two of the four occupants.

Jason Williams was then seen to get out of his car and to advance on the damaged Police car with the machete raised, suggesting that he was about to use it to strike a Police officer who was in the process of emerging from the rear passenger side of the Police car. Seeing this, another officer, who was still seated in the front left-hand side seat of the damaged Police car, fired at Jason Williams, inflicting a chest wound.

A Police officer, who was trained in first aid, administered first aid to Jason Williams pending the arrival of an Ambulance.

Jason Williams recovered and subsequently faced a charge of assaulting a Police officer with a weapon. He pleaded guilty and was sentenced to two years imprisonment together with a further six months imprisonment, imposed cumulatively, in respect of another matter.

INVESTIGATION

On the day following the incident representatives of the Authority travelled to Christchurch and made preliminary enquiries into the incident. The matter was then the subject of a very thorough investigation on behalf of the Authority led by Inspector Brian McGurk, the then Area Commander, whose report was then reviewed at the Office of the Commissioner of Police.

The events leading to and culminating in the gunshot wounding of Jason Williams lent themselves to three areas of examination. The first of these areas related to a series of background events in Jason Williams' life that together could be taken as contributing to the frame of mind that he displayed in the course of the incident leading to his being seriously injured. These were matters of a personal family nature allied to Jason Williams' demonstrated inability to deal with those matters.

The second area of scrutiny related to the initial and developing Police response to the original information relating to Jason Williams' erratic or threatening behaviour with the machete at the caravan, and to the Police resources that were deployed in response to the information received by the Police from a member of the public about Jason Williams'

demeanour and conduct. This issue embraces the level, intensity and effectiveness of the Police response.

The third of the three areas addressed concerned the circumstances of the arrest of Jason Williams and the manner in which he sustained his injury at the termination of the Police pursuit. The grounds for the Police having used potentially deadly force in response to his conduct were examined and analysed.

BACKGROUND EVENTS

Jason's mother had died on 21 September 2001, two months before the incident, she having been ill for several years. Although Jason and his two brothers had lived with their father for almost 20 years after their parents separated, they enjoyed continuing access to their mother and are said to have been devastated by her illness.

One of Jason Williams' brothers committed suicide in 1999.

Jason Williams had a relationship of some three years duration which ended in 1997. There was a child of that relationship, a daughter, who lived with her mother and who tragically died in a house fire on 1 November 2001. On 8 and 14 November 2001 Jason Williams had telephoned the Police Communications Centre concerning the death of his daughter but, when interviewed on 26 November, subsequent to the incident with which this report is concerned, he told the Police that he had no recollection of making either call.

It is reported that Jason Williams' alcohol and drug consumption had recently increased and that he had attempted to commit suicide on or about the weekend of 10/11 November 2001 by self-asphyxiation in a motor vehicle. Additionally, a number of telephone calls made to the Police were attributed to him. The last of these calls was received by the Police Communications Centre after 4pm on the day of this incident, the caller indicating that he sought death by Police shooting "*because it's a sin to kill yourself*".

A further matter which may have been of significance was the appearance of a newspaper article on the same day. The article featured a photograph of the mother of Jason Williams' deceased daughter together with her new family and together also with a photograph of the deceased child.

Another factor which may have had some bearing on Jason Williams' demeanour and conduct is that he is said to have spent much of that day consuming beer and prescription

drugs, and his behaviour over the course of the day is reported to have become increasingly aggressive.

POLICE RESPONSE

The Police reaction to the initial report by a member of the public was incremental. As indicated above, in the first instance a uniformed officer, who was patrolling alone in a marked Police car, responded to a tasking by the Police Communications Centre by driving to the vicinity of the Southbrook Road address at which the caravan occupied by Jason Williams was located. The Constable subsequently stated that a male there who he identified as Williams looked angry and had with him a machete. He maintained a watch on the address and on the activities of Jason Williams and the other two, female, people whilst awaiting the arrival of other Police officers.

At this time a number of other officers were preparing to join him. Four officers in two cars were drawing firearms and readying themselves to travel to the Rangiora address in two marked Police cars. At the same time two other officers were travelling to the scene from Kaiapoi.

However, before these additional Police units arrived, a car containing Jason and the two women, one of whom was driving, left the Rangiora address. The car was reported to have turned south on Lineside Road towards Kaiapoi. The Police officer followed and reported this development to the Communications Centre.

At the outset he continued to maintain a low profile watching role pending the arrival of other Police and he did not activate the red and blue flashing lights or the siren of the Police car. However, on sighting another, stationary, Police car from Kaiapoi containing two other Police officers, he activated the red and blue flashing lights on the car he was driving.

In the subsequent examination by the Police of the incident it was considered that a pursuit of the car containing Jason Williams and the two women had commenced at the point at which the Constable activated the lights on the Police car and that the pursuit had been properly initiated.

The car containing Jason Williams, followed by the two Police cars, turned onto the motorway in the direction of Christchurch. The officer who had followed the car from Rangiora allowed the other Police car to overtake him and to lead the pursuit of the fugitive car at a speed of about 90kph. Jason Williams was seen by the following Police officers to

be holding the machete at the head of the driver of the pursued car, Mr Williams' partner. She appeared to the officers to be distressed and they interpreted the incident as being a hostage situation.

A third Police vehicle, a dog van, joined the pursuit and it took the leading Police position, followed soon afterwards by another Police car containing one officer and a Police highway patrol car containing two more officers.

At about 4.22pm members of the Police Armed Offenders Squad joined the pursuit.

At about 4.28pm the vehicle containing Jason Williams turned off the motorway and was driven along a route comprising Marshland Road, Prestons Road and Burwood Road to Mairehau Road. The speed of the vehicle was reportedly relatively modest in the 40 to 50 kph range. The vehicle turned left off Mairehau Road on to New Brighton Road, where a further Police vehicle joined the following Police, and then turned on to Wainoni Road down to Avonside Drive.

According to a statement later made to the Police by Mr Williams' partner, Jason Williams became agitated and told her that "*he felt like this was the time he was going to be shot*". At 4.34pm it is reported that he made a telephone call from the car to the Communications Centre in which he commented that the Police could shoot him because it was a sin to shoot himself. Jason Williams is said to have told his partner to drive to the Ruru Lawn Cemetery where his mother was buried.

This however was not done and instead the vehicle was driven down Wainoni Road and then into Avonside Drive in a direction leading to the central city. At this point the Armed Offenders Squad commander gave an instruction for the vehicle to be stopped and immobilised. The stated intention of this manoeuvre was to facilitate negotiation with Jason Williams with a view to securing the release of the two women who were in the car with him.

At approximately 4.48pm the Police dog van that had been at the head of the pursuing Police vehicles drew alongside the fugitive car on Avonside Drive and carried out a manoeuvre that forced it off the road and to a standstill on the roadside grass berm. In the process another Police car, containing four AOS personnel, collided with a power pole on the berm sustaining extensive damage.

INJURY TO JASON WILLIAMS

When the fugitive vehicle came to a standstill Jason Williams was seen to emerge from the left front passenger side and walk towards the car that had impacted the power pole. He was seen to be carrying the machete in an upraised position and *"walking at a fast pace"*. He approached in a threatening manner a Police officer who had sustained a head wound and who was emerging from the left rear door of the damaged Police car. This officer later stated that immediately after the crash he had emerged to see:

".....the offender. He was coming around the back of the Commodore which had stopped alongside our vehicle. He was about two to three metres away from me when I first saw him. He was staring at me and advancing towards me. I knew the machete was in his right hand and I could tell from his manner and the speed he was advancing at me that I was about to be attacked."

This officer then went on in his statement to report that he raised the rifle with which he was armed with the intention of shooting Jason Williams. However:

"I probably brought the rifle up to almost horizontal and was about to pull the trigger when I heard a shot and [Jason Williams] dropped about a metre from my feet."

When interviewed later, Jason Williams stated that his intention at this point had been to *"...attack the driver of the car that hit me. The car with the bull bars"*. (this was the Police dog van).

In the same interview, when Jason Williams was asked, *"So being shot dead was your ultimate goal"* He answered, *"Yes"*.

An officer who was seated in the left front passenger seat of the damaged Police car later stated that when the car came to a halt he opened the passenger door and was about to get out when he saw Jason Williams standing less than two metres from him. The officer noted that Williams:

"...had a deranged or wild look on his face and was holding a large machete in his right hand, high above his head as if he was about to strike someone with it...Basically when I looked up he was right in my face with the machete raised. I felt he was either going to strike me or one of my colleagues who may have been injured. I felt the threat was very real and believed I had no option but to shoot him to prevent him from striking me or one of my staff with the machete."

The shot incapacitated Jason and he lost consciousness. Police staff immediately assessed his injury and applied first aid dressings pending the arrival of an ambulance.

DISCUSSION

It is clear from the material generated during the investigation of the events contributing towards the Police use of a firearm to incapacitate Jason Williams, that a number of contributing factors have been scrutinised in the Police investigation into the shooting, as they have in the independent review of that investigation by this Authority.

Clearly, Jason Williams' conduct appears to a degree to have been influenced by the death of his daughter Rachael. When interviewed after the incident he stated that, *"I can tell you I have been feeling suicidal since I buried my daughter. She was all I had left"*. From his telephone call to the Police Communications Centre on 8 November 2001 it is evident that he harboured the firm belief that some responsibility for the death should reside with another person. The perceived failure or inability of the Police to appreciate this was a source of resentment to him. It is evident that this was a contributing factor in the behaviour he displayed on 21 November 2001.

The urgent nature of the pursuit of Jason Williams was characterised by the number of Police vehicles that were involved and by its violent termination. However, the pursuit itself, from Rangiora, along rural roads and motorway to the outskirts of Christchurch and then through urban streets towards the city centre was, in terms of its impact on members of the general public, unremarkable. There is no evidence that any other motorist or member of the public was placed at risk or seriously inconvenienced by the Police following the car containing Jason Williams and the two female occupants.

The pursuit was, however, effected in a manner that did not entirely conform to that set out in Police General Instructions then in force for the management and execution of a pursuit. The number of vehicles employed was, in those terms, excessive, and there were other provisions of the General Instructions were not strictly adhered to. However, that said, the situation confronting the Police was more than that of an errant motorist, and the early recognition that it amounted to a hostage situation legitimised the degree of attention and the deployment of additional resources which marked this incident. It would not be incorrect to regard the sequence of events as a mobile hostage situation and, that being so, the requirements of the General Instruction referred to above rightly became secondary to the necessity to apprehend and disarm the offender and to safeguard his apparent hostages. In

those terms then, the pursuit of the vehicle containing Jason Williams and the two women was effected in a safe and professional manner.

The manner of the termination of the pursuit, with the fugitive car halted by a dog van and the almost simultaneous collision of a Police car with a stationary object, provided an interface between the pursuit phase of this incident and its termination with the apprehension and wounding of Jason Williams. Turning finally to this aspect of the incident it is necessary to ascertain that the use of force involved was necessary and unavoidable.

From Jason's own statements it seems clear that he sought to bring about his own death. At no less than three points in the interview which was conducted with him on 26 November 2001, when he was still a hospital patient, Jason indicated that such had been his aim. In addition to the comment contained in the body of this report above, the following relevant exchanges were recorded in that interview:

- Q. *I put it to you that you were intent on assaulting the closest Policeman to you who was dressed in black using your machete as a weapon?*
- A. *You are wrong. I would never in my life stab someone in the back. Never will I or have I. The only person I wanted to be in danger that day was me.*
- Q. *Several police officers saw you advancing with the raised machete in the direction of the Police Officer in the crashed Police car. They believe their lives were in imminent danger from being attacked by you. Despite all the drugs and alcohol you had taken you dispute this?*
- A. *Yes.*
- Q. *I also put it to you that in approaching Police while armed with a machete you wanted Police to shoot and kill you due to your suicidal state and belief that it was a sin to kill yourself?*
- A. *Yes.*
- Q. *So you wanted to be shot dead by Police when they stopped you at about 4.45 pm on Wednesday, 21 November 2001?*
- A. *Yes.*
- Q. *So you conveyed an imminent threat to Police Officers' lives by approaching them with a raised machete to give them no option but to shoot you?*
- A. *Yes.*

Further in the same statement:

- Q. *Yet you admit you wanted to be shot by Police?*

A. *Yes. I was there to hurt no-one but myself. If I had dropped my machete I would not have been shot and would have been arrested.*

Q. *So being shot dead was your ultimate goal?*

A. *Yes.*

From the above exchanges it is reasonable to conclude that Jason Williams was bent on bringing about his own death, but at the hands of a Police officer. Whilst this in itself does not excuse or justify the use of potentially deadly force against Mr Williams it serves to illustrate the vigour and energy that he displayed in what to any independent observer must have been seen as a serious attempt to attack a Police officer with a weapon capable of inflicting a very serious and potentially fatal injury.

In the circumstances therefore the measures to which the Police were forced to resort by Mr Williams' aggressive and imminently threatening conduct, although severe, were justified. No blame can therefore be ascribed to the officer concerned for taking the action that countered the threat Jason Williams' conduct posed to the Police, and that is the conclusion which I consider is indicated from the enquiries that have been made.

Since this incident occurred there has been considerable attention given to the conduct and management of Police vehicle pursuits and, following widespread consultations, a new policy governing such events has been issued by the Police. A number of pursuit incidents, including this one, were taken into account in the formulation of that policy although, for the reasons given above, no criticism of significance in relation to Police practice emerged from this incident.

Judge I A Borrin
POLICE COMPLAINTS AUTHORITY

17 May 2005