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Deaths of Steven John Gorrie and
Makoto Izumi following Police pursuit

December 2010



IPCA
Independent Police Conduct Authority
Whaia te pono, kia puawai ko te tika



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Deaths of Steven John Gorrie and Makoto Izumi following Police pursuit

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

1. At 6.45pm on 4 April 2010, a motorcycle ridden by Steven John Gorrie crashed into an approaching car on State Highway 1, while trying to evade Police in Dome Valley, Warkworth. Mr Gorrie, aged 38 years, and his pillion passenger Makoto Izumi, aged 37 years, were killed. The driver and front seat passenger of the car were injured.
2. The Police notified the Independent Police Conduct Authority of the pursuit, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

BACKGROUND

Summary of events

1. Officer A is a Highway Patrol constable with two years service with the New Zealand Police and 20 years overseas experience. He is certified as a Police gold licence holder and he was driving a category A uniform patrol car.
2. On Sunday 4 April 2010, Officer A was on duty alone and parked in a lay-by on State Highway 1 at Dome Valley, approximately 350 metres north of the junction with Waiwhiu Conical Peak Road.
3. Officer A was on speed enforcement duty, checking traffic travelling north towards him.
4. This section of State Highway 1 is a two-way carriageway divided by a single broken white line. It is subject to an 80kph speed restriction.
5. While parked, Officer A's patrol car was displaying front and rear position lamps. It was dark, the weather was fine and dry and although there is no street lighting in the area, there was clear visibility.

6. Mr Gorrie was riding his motorcycle in a northerly direction approaching Officer A. Mr Izumi was his pillion passenger.
7. Mr Gorrie approached Officer A in excess of the 80kph speed restriction. Officer A initially noted the speed of the motor cycle as 105kph and locked its speed on his radar equipment at 97kph.
8. Officer A noted that the motorcycle was displaying a single headlamp on dipped beam.
9. Mr Gorrie passed Officer A and the officer did a U turn intending to stop him. As the officer completed his turn and began to travel north, he saw the motorcycle's tail light as it went around a left hand bend. The motorcycle was then out of Officer A's sight.
10. As Mr Gorrie rounded this bend, his motorcycle left the road and travelled along the gravel shoulder for approximately 110 metres. On re-entering the sealed roadway Mr Gorrie rode across the centre line and collided with a Toyota Camry car containing a driver and front seat passenger.
11. Mr Gorrie's motorcycle exploded on impact and he and Mr Izumi were killed instantly. The driver and passenger in the Toyota were not seriously injured.
12. On emerging from the left hand bend, Officer A accelerated to 110kph. He could see the headlights of a line of approaching cars but could not see the motorcycle. At this point he turned on the blue and red flashing lights but not his siren and within a few seconds saw the burst of flames of the crash on the right of the road ahead.
13. Officer A notified the Northern Communications Centre (NorthComms) that there had been a vehicle collision. The officer did not consider that he was in pursuit and so had not notified NorthComms of a pursuit.
14. In Officer A's estimation the time between his U turn and the time of the crash was 20 to 25 seconds.

Witnesses

15. There were several witnesses to the crash, all of whom were travelling towards Auckland.
16. Witnesses in two cars in front of the Toyota glimpsed Mr Gorrie's motor cycle travelling at speed in the opposite direction, apparently out of control on the grass beyond the gravel verge, before returning to the roadway, going past them and colliding with the Toyota behind and bursting into flames.
17. One witness reported that it was about 10-15 seconds after he saw the flash of the explosion that he saw the flashing lights of the Police car and heard its siren. Another said

that he heard the siren as the motor cycle passed and then saw the Police car coming round the bend.

18. Another witness in a vehicle ahead of the Toyota said she saw the motorcycle travelling north really fast. She said that before the motor cycle reached her car, the motorcyclist: *"Hit the gravel on the left of his lane and flicked it up."* The motorcycle disappeared and: *"It looked like his lights went out."* She said: *"In the distance I mean in the very far distance I saw a cop car approaching also north bound with his flashing lights on he was very far away in the distance."*
19. A few seconds after the motorcycle passed this witness she heard a crash and looked in her rear vision mirror to see the motorcycle had hit another car and was on fire.
20. The driver of the Toyota said that he was driving towards Auckland. His wife was asleep in the front seat. He was in a line of traffic near a right hand bend when he suddenly saw something black coming from his right side. He said: *"It was fast, like a missile. In the far distance I could also see flashing lights but they were in the distance, I could not tell at that point what they were. Within a split second there was a huge big bang and the airbags went off. At this point I realised I had been hit."*
21. The driver of a vehicle behind the Toyota saw a Police car with flashing red and blue lights coming towards them. He did not know if its lights had just been turned on or if the Police car had come around a bend. After 2 to 3 seconds he heard a loud skidding sound on gravel then a big bump and saw that the car in front of him had been hit and saw the flames and a body on the road.

Environment

22. The weather was fine and the road was dry. There is no lighting and the area was dark. The road surface is bitumen chip with an approximately one metre sealed shoulder to the left of the northbound lane leading to a wide gravel shoulder.
23. The road has a single lane in each direction, separated by a painted broken white centre line.

Police crash analysis

24. The Police crash analysis concluded that as Officer A was turning his car around, the motorcycle ridden by Mr Gorrie was already entering a left hand bend and going out of sight.
25. Tyre marks in the gravel and tyre friction marks on the road surface indicate that once around the bend Mr Gorrie rode off the left side onto the gravel shoulder. There is no indication that he attempted to slow once in this situation. 110 metres after entering the gravel shoulder Mr Gorrie manoeuvred back out onto the roadway, travelled across the centre line and collided with the front of the Toyota.
26. No faults were identified on the road layout or surface that would have contributed to the crash.
27. The motorcycle and Toyota could not be fully tested due to the impact and fire related damage, however no pre-existing faults were evident.
28. A speed analysis was unable to be carried out for the motorcycle at the time it first lost control or at the time of impact. Time/distance studies indicated that the motorcycle had to have accelerated after passing the Police patrol vehicle for it to reach the area of impact in the time frame of the incident.
29. The distance between Officer A's U turn point to the collision point is 1050 metres.

Mr Gorrie's driving history

30. Mr Gorrie had a full class 1 licence which enabled him to drive a motor vehicle. He was also the holder of a learner's class 6 licence to ride a motorcycle. While on a learner's licence he, amongst other restrictions:
 - 33.1 was not to ride a motorcycle of over 250cc;
 - 33.2 was not to go faster than 70km/h;
 - 33.3 was not to carry a passenger;
 - 33.4 must display a learner (L) plate.
31. Mr Gorrie was in breach of these restrictions.
32. Mr Gorrie was riding a 1200cc motorcycle which he had recently purchased. He told the seller that he had not ridden large motorbikes for about ten years and had more recently been riding mopeds.

33. The driver of the Toyota is fully licensed and there is no suggestion that he contributed to the crash.

Toxicology

34. Diazepam and Methamphetamine were detected in samples taken from Mr Gorrie. No other drugs or alcohol were indicated.
35. No alcohol or drugs were detected in samples taken from Mr Izumi.
36. No alcohol or drugs were detected in samples taken from the driver of the Toyota.

Cause of death

37. The autopsy report stated that the cause of death for both Mr Gorrie and Mr Izumi was multiple injuries consistent with being sustained in a motor vehicle accident.

LAWS AND POLICIES

Legislative authority for pursuits

38. Under the Land Transport Act 1988, the Police are empowered to stop vehicles for traffic enforcement purposes. Under the Crimes Act 1961, the Police are empowered to stop vehicles in order to conduct a statutory search or when there are reasonable grounds to believe that an occupant of the vehicle is unlawfully at large or has committed an offence punishable by imprisonment. Where such a vehicle fails to stop, the Police may begin a pursuit.

Police pursuit policy

Definition

39. A pursuit occurs when (i) the driver of a vehicle has been signalled by Police to stop, (ii) the driver fails to stop and attempts to evade apprehension, and (iii) Police take action to apprehend the driver.

Overriding principle

40. Under the Police pursuit policy, the overriding principle for conduct and management of pursuits is: *“Public and staff safety takes precedence over the immediate apprehension of the offender.”*
41. The driver of a police vehicle has the primary responsibility for the initiation, continuation and conduct of a pursuit. Further, before commencing a pursuit an officer is required to first undertake a risk assessment. The driver must then determine whether the need to immediately apprehend the offender is outweighed by the potential risks of a pursuit. If there is no need to immediately apprehend the offender, or the risks are too great, the pursuit must not be commenced.

THE AUTHORITY'S FINDINGS

The pursuit

42. It is debateable whether these circumstances amount to a 'pursuit' as defined in the pursuit policy (see paragraph 39); however the Authority has treated them as such and has measured Officer A's actions in terms of the law and policy applicable to pursuits (see paragraphs 38 - 41).
43. Mr Gorrie was riding his motorcycle in excess of the 80 kilometres speed restriction. Officer A initially saw the speed as 105kph but locked it in at 97kph. Officer A was empowered to stop Mr Gorrie for traffic enforcement purposes.
44. Officer A has said that he did not activate his red and blue flashing lights or his siren until he emerged from the left hand bend, at which point he was unable to see Mr Gorrie's motorcycle. This was just seconds before the collision. Officer A did not believe he had turned on his siren although witnesses have said that they heard it.
45. Mr Gorrie had taken evasive action, believing or anticipating that he was being pursued, well before Officer A activated his red and blue lights.
46. Having taken the view that, technically, Officer A had begun to pursue Mr Gorrie at the time he activated his warning lights – moments before the collision; the Authority accepts that the officer had no opportunity to begin complying with the pursuit policy.

FINDING

Officer A was justified, pursuant to the Land Transport Act 1988, in commencing a pursuit.
Officer A had no opportunity to comply with pursuit policy.

Speed and manner of driving

47. Officer A did not recollect activating his siren; however witnesses have said that they heard the Police siren.
48. Officer A accelerated to 110kph in an attempt to catch up to the motorcycle, and was therefore, engaged in urgent duty driving. In the circumstances this speed was not unreasonable. He activated his red and blue lights and, according to witnesses, his siren, as required by the urgent duty driving policy.

FINDING

Officer A complied with the Police urgent duty driving policy.

CONCLUSIONS

49. Mr Gorrie was travelling at speed and in contravention of his licence restrictions.
50. When he saw Officer A's patrol car, Mr Gorrie took action to avoid apprehension and this caused him to lose control of his motorcycle and collide with the Toyota.
51. It is not known to what extent Mr Gorrie was affected by Diazepam and Methamphetamine.
52. Pursuant to section 27(1) of the Independent Police Conduct Authority Act 1988, the Authority has formed the opinion that no decision, act, omission, conduct, policy, practice or procedure which has been subject of the Authority's investigation was contrary to law, unreasonable, unjustified, unfair or undesirable.

RECOMMENDATIONS

53. Pursuant to section 27(2) of the Act the Authority recommends that Police adopt the data gathering exercise on the outcomes of pursuits involving motorcycles, as recommended in the Authority's October 2009 Review of Police Pursuits.



HON JUSTICE L P GODDARD

CHAIR

INDEPENDENT POLICE CONDUCT AUTHORITY

December 2010

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 chaired by a High Court Judge and has other members.

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 has highly experienced investigators who have worked in a range of law enforcement 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;
- 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 determine whether any Police actions were contrary to law, unreasonable, unjustified, unfair, or undesirable. The Authority can make recommendations to the Commissioner.



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