

## Summary Report

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# Death of Judd Hall in a car crash in Greymouth

## INTRODUCTION

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1. At about 11pm on Friday 24 January 2014, the driver of a white Subaru sedan lost control of the car and crashed into a house on High Street in Greymouth. The driver and front seat passenger received serious injuries. The back seat passenger, Judd Hall, was killed.
2. At the time of the crash, the Subaru was being followed by Officer A, who was driving a Police utility vehicle.
3. The Police notified the Independent Police Conduct Authority of the incident, and the Authority conducted an independent investigation. This report sets out the results of that investigation and the Authority's findings.

## BACKGROUND

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### Summary of events

4. At approximately 10:45pm on Friday 24 January 2014, Kori Jeffcoat and Jordan McGrath picked up Judd Hall from an address in Runanga with the intention of driving to a party in Kumara, south of Greymouth. Mr McGrath was driving a white Subaru sedan, which was owned by Mr Jeffcoat. Both Mr McGrath and Mr Jeffcoat had been drinking alcohol prior to driving to Runanga.
5. The three men drove towards Greymouth on State Highway 6, which becomes High Street as it passes through the town. Two separate witnesses believe that they saw the Subaru travelling at high speed just before it reached High Street.
6. At about this time, Officer A was parked in the driveway of a Catholic church on High Street. The front half of his marked Police utility van was protruding over the footpath, and the engine was running.

7. As he sat in his van, Officer A saw a white car (the Subaru) travelling at high speed along High Street approximately 15 meters to the north of the church. Officer A estimated that the Subaru was travelling at about 100kph in a 50kph speed zone.
8. Officer A immediately decided to follow the Subaru and signal it to stop so that he could talk to the driver. Officer A pulled forward and paused to check that there was no other traffic coming. The road was clear in both directions and Officer A turned right into High Street.
9. Officer A accelerated and put on his emergency red and blue flashing lights. He did not put on his siren. Officer A says that the Subaru appeared to accelerate in response to his flashing lights, but he could not be sure as it was too far ahead of him.
10. Mr Jeffcoat remembers seeing the Police van on his right as they went past, then *“Jordan putting his foot down and speeding off.”* Mr Jeffcoat turned around in his seat to see the Police van’s flashing lights *“quite some distance back.”*
11. Officer A continued accelerating to a maximum speed of 100kph on the straight stretch of High Street. As the Subaru approached a left-hand bend in the road by Greymouth Hospital, Officer A considered calling the Southern Communications Centre to advise that he was following a speeding car, but decided to wait until he had also rounded the upcoming bend so that he would have a clearer idea of where the Subaru was and how the driver was behaving. At this stage Officer A estimated that the Subaru was 500 metres ahead of him. Calculations later carried out by the Serious Crash Unit show that approximately 450 metres separated the two vehicles when the Subaru disappeared from Officer A’s view.
12. Witness A was working in the forecourt of a Mobil petrol station just north of Greymouth Hospital when he heard a loud revving sound in the distance and then saw the Subaru *“flash past.”* He estimated the vehicle was travelling at between 130 and 160kph.
13. Witness A watched the Subaru as it approached the bend, and saw it start to move towards the centreline as it took the left-hand turn. He did not see any brake lights activate. Witness A then saw the driver start to lose control and heard the tyres squealing. He saw a Police van pass the petrol station between 10 and 20 seconds later.
14. Officer A also saw the Subaru’s tail lights move into the centre of the road, and the left side of the car rise up as it started to steer around the bend. He then lost sight of the Subaru. Officer A decelerated to 80kph as he approached the bend.
15. Witness B was driving along High Street in a northerly direction when she saw the Subaru come around the bend ahead of her on the wrong side of the road, lose control and crash into a house to her right.
16. Witness B pulled over and tried to find her mobile phone on the passenger seat next to her. She had her phone in her hand when she saw a Police van with flashing lights drive around the corner. She said that the Police van was travelling faster than the speed limit, but *“not that fast.”* Witness B flashed her headlights in order to attract the Police officer’s attention. The Police van slowed, and reversed back to the crash scene.

17. Officer A says that he expected to see the Subaru's tail lights in the distance as he rounded the bend, but he did not. He also did not see any evidence that the Subaru had taken a hard turn down a side street. He then saw out of the corner of his eye that the Subaru had crashed against a house. He braked firmly, reversed and parked near to the gate of the address.
18. Officer A called emergency services to attend the crash scene, and ran down to the Subaru to assist the occupants. The car was half inside and half outside the house. Officer A could see one occupant restrained by his seatbelt in an upside down position, bleeding and in a semi-conscious state. Officer A judged that he could not move the occupant safely without assistance from other emergency services.
19. Officer A put out a small engine fire with an extinguisher and checked that no one was injured inside the house. While he was inside the house he discovered a second car occupant, also suspended by his seat belt. The second car occupant was conscious and calling for help.
20. Officer A could not see anyone else in the car. However, Judd Hall was found deceased shortly afterwards by emergency services.
21. Jordan McGrath and Kori Jeffcoat both received significant injuries and were attended to at the scene by ambulance officers before being transported to hospital.
22. Mr McGrath has no memory of the drive into Greymouth or the crash.
23. The distance between the Catholic church where Officer A first saw the Subaru and the crash scene is approximately 1km. Calculations by the Serious Crash Unit show that the Subaru covered this distance in approximately 33 seconds.

### Crash analysis

24. At the time of the incident the weather was fine and the roads were dry and in good condition.
25. A Police crash analyst determined that the Subaru did not have any pre-existing faults which would have caused the driver to lose control of the vehicle.
26. Testing and analysis of the crash scene shows that the crash was caused by excessive speed as the driver attempted to steer around the left-hand bend in the road. Calculations based on tyre marks left on the road show that the Subaru was travelling at 142kph when the driver lost control on the bend and entered into an anti-clockwise rotation. The vehicle slid off the road, and rolled over several times before crashing against the corner of the house.
27. It is apparent from the tyre marks that the driver did not attempt to brake or take any evasive action during the crash.
28. The Police crash analyst has calculated that Officer A was 384 metres behind the Subaru when he lost sight of it, and approximately 500 metres or 18 seconds behind the Subaru when the crash occurred.

29. Analysis of Mr McGrath's blood concluded that the concentration of alcohol in his blood was between 130 and 160 milligrams of alcohol per 100 millilitres of blood<sup>1</sup> at the time of the crash.
30. Mr McGrath did not hold a driver's licence at the time of the crash.

### Officer A

31. Officer A had served with the Police for 18 years at the time of this incident.
32. Officer A holds a gold class response driver certificate under the Police Professional Driver Programme (PPDP) and is qualified to undertake urgent duty driving.
33. Officer A was breath tested for the presence of alcohol immediately following the crash. He returned a negative result.

### Police investigation

34. Police conducted a criminal investigation into the crash. Mr McGrath was charged with manslaughter, dangerous driving causing injury and driving with excess blood alcohol third or subsequent in the Greymouth High Court on 13 May 2014.
35. Mr McGrath pleaded guilty to all charges, and on 7 July 2014 was sentenced to 5 years imprisonment with a non-parole period of 2 years. He was also disqualified from driving for 5 years.
36. Police also reviewed Officer A's actions during the incident. With the exception of failing to activate his patrol vehicle's siren, Officer A was found to have complied with all relevant law and policy. Officer A's failure to activate his siren was regarded as a minor breach of policy in the circumstances, which had no bearing on the outcome of this incident.

## LAWS AND POLICIES

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### Urgent Duty Driving

37. Urgent duty driving is defined as occurring when:

"...an officer on duty is either:

- *responding to a critical incident*
- *apprehending an offender for a traffic or criminal offence*
- *apprehending a fleeing driver; or*
- *engaged in activities approved by the Commissioner in writing*

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<sup>1</sup> The legal blood alcohol limit for a licensed driver in New Zealand is 80 milligrams of alcohol per 100 millilitres of blood.

**and to comply with traffic rules and regulations would prevent the execution of that duty** [emphasis in original].”

38. Critical incidents include situations involving (i) force or the threat of force, (ii) any person facing the risk of serious harm, or (iii) Police responding to people in the act of committing a crime.
39. Under the Police urgent duty driving policy, the overriding principle is: *“No duty is so urgent that it requires the public or Police to be placed at unjustified risk.”*
40. When deciding whether it is appropriate to commence or continue urgent duty driving, an officer must consider the following factors:
  - *“time of the incident – is it in progress?”*
  - *nature and seriousness of the incident*
  - *proximity of other units to the incident*
  - *environment e.g. weather, traffic volume, road type, speed limit and pedestrians etc*
  - *driver classification and vehicle classification*
  - *whether warning devices are activated or a “silent approach” is being used* [emphasis in original].”

### Warning devices

41. *“Police **must** use flashing lights and sirens at all times (continuously) unless a “silent approach” is tactically appropriate and can be used safely”* [emphasis in original].

## THE AUTHORITY’S FINDINGS

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### Was Officer A justified in commencing urgent duty driving?

42. Under Police policy, urgent duty driving is permitted when an officer would be prevented from apprehending a driver for a traffic offence (amongst other things) if required to comply with the traffic rules and regulations.
43. Officer A was engaged in urgent duty driving immediately prior to the crash which killed Mr Hall. Such driving was justified because Officer A was responding to a sighting of a car travelling dangerously in excess of the speed limit in a residential area.
44. Officer A needed to catch up to the speeding car in order to signal it to stop so that he could obtain the driver’s details. It was also important to stop the car in order to reduce the risk of serious harm to the car’s occupants and other road users. To comply with the 50kph speed limit would have seriously reduced Officer A’s ability to respond in a timely manner.

## FINDING

Officer A was justified in commencing urgent duty driving.

### Did Officer A comply with Police policy while urgent duty driving?

45. When deciding to commence or continue urgent duty driving an officer must consider several factors, including: the environment, the urgency of the situation, and whether warning devices should be used.
46. It was 11pm at night, but the weather was fine and the roads were dry and in good condition. Officer A scanned the road for the presence of other motorists and pedestrians before pulling out on to High Street. He was some distance behind the Subaru and commenced accelerating to a maximum speed of 100kph. By the time he reached this speed, the Subaru had gone around the left-hand bend and was out of sight.
47. Although Officer A reached a speed that was 50kph in excess of the speed limit, the road was long and straight, in good condition and free of other traffic at the time. Officer A reduced his speed as he approached the left-hand bend, in order to negotiate it safely.
48. Officer A put his emergency flashing lights on as soon as he pulled out and started to accelerate. He did not put on his siren. When asked by the Authority why he did not, he replied that he didn't think that the siren would have any effect on the driver of the Subaru because the vehicle was so far ahead of him. He also said that he had his hand on the switch ready to activate the siren should any vehicles or pedestrians appear.
49. Policy requires a Police officer in Officer A's situation to activate both the emergency lights and siren of their patrol vehicle when undertaking urgent duty driving. Officer A should have activated his siren at the same time as his lights, but his failure to do so had no bearing on the outcome of this incident.

## FINDING

Officer A generally complied with the urgent duty driving policy in relation to speed and manner of driving.

### Should Officer A have contacted the Police Communications Centre earlier than he did?

50. There is no policy requirement for an officer to contact the Police Communications Centre when undertaking urgent duty driving. This requirement only exists when the officer commences a pursuit of a driver that has been signalled to stop and has failed to stop for Police.

51. The Authority is satisfied that Officer A did not consider that he was in pursuit of the Subaru before he reached the left-hand bend in the road. Officer A says that due to the distance between the two vehicles he was not able to tell if the driver of the Subaru had observed his emergency flashing lights, or if the driver had increased his speed in an effort to avoid apprehension.
52. It would have been best practice for Officer A to have advised the dispatcher that he was attempting to stop a speeding car. However, as detailed in paragraph 23, this incident was of very short duration (the incident covered only 1km and lasted 33 seconds before the crash occurred), which gave Officer A only a small window during which to respond.
53. Considerable and increasing distance between the two vehicles meant that it was difficult for Officer A to clearly observe the Subaru before it finally disappeared from his view. As noted in paragraph 11, 450 meters separated the vehicles when the Subaru disappeared from Officer A's view. Five hundred meters or 18 seconds separated them at the time of the crash.
54. The Authority considers Officer A's decision to wait to contact the Communications Centre until after he had rounded the bend was reasonable in the circumstances.

#### FINDING

Due to the considerable distance between the two vehicles, Officer A was not in pursuit of the Subaru. Rather, he was engaged in urgent duty driving, and trying to catch up to the Subaru so that he could signal to the driver to stop.

There is no requirement for an officer engaged in urgent duty driving to contact a Communications Centre.

## CONCLUSIONS

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55. The Authority has concluded on the balance of probabilities that:

- 55.1 Officer A was justified in commencing urgent duty driving in response to Mr McGrath's driving.
- 55.2 Officer A did not catch up to the Subaru before the crash occurred and was never in a position to be able to signal the driver to stop. He was therefore not engaged in a "pursuit" as defined in Police policy.
- 55.3 Given the short distance of this incident, Officer A generally complied with the Police policy while urgent duty driving.

56. The Authority makes no recommendations.



**Judge Sir David Carruthers**

Chair  
Independent Police Conduct Authority

25 September 2014







## ABOUT THE AUTHORITY

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### 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 Sir David J. Carruthers.

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?

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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 on whether any Police conduct, policy, practice or procedure (which was the subject of the complaint) was contrary to law, unreasonable, unjustified, unfair, or undesirable. The Authority may make recommendations to the Commissioner.



Whaia te pono, kia puawai ko te tika

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