



IPCA

Independent Police
Conduct Authority

Whaia te pono, kia puawai ko te tika

Non-fatal motor vehicle collision in Palmerston North

INTRODUCTION

1. At about 7.15am on 6 December 2017, a motorcyclist collided with a Police car whose driver was attempting a u-turn on State Highway 3, approximately seven kilometres east of Palmerston North. The motorcyclist was thrown from his motorcycle and suffered severe injuries to his wrist, hand and leg.
2. 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.

THE AUTHORITY'S FINDINGS

3. The Authority found that Officer A drove carelessly when she made a u-turn, causing serious injury to Mr X.

THE AUTHORITY'S INVESTIGATION

4. The Authority's investigation included reviewing the Police investigation, conducting its own interview with Officer A and visiting the scene. The motorcyclist was approached for an interview and declined. He confirmed he was happy for the Authority to rely on his statement to Police.

BACKGROUND

5. At 7am on Wednesday 6 December 2017, Officer A, a Highway Patrol officer with approximately 8 years' service with Police, began her shift. Officer A is certified as a Police gold class licence holder and told the Authority she has four or five years' experience on Highway Patrol. She left Palmerston North Police Station and travelled onto State Highway 3, heading towards Ashhurst and driving a marked Highway Patrol car, coloured copper.
6. Officer A was following a truck travelling at about 90 kilometres per hour. She decided to continue driving behind the truck as "*it's quite a good position from a Highway Patrol perspective*". At about 7.15am the radar detection unit mounted to the dashboard of Officer A's vehicle recorded an oncoming car travelling at 124 kph in a 100 kph area.
7. Officer A decided to stop the oncoming car due to its excessive speed. She activated her red and blue flashing lights and slowed down, preparing to make a u-turn. Officer A told the Authority that:

"There was only the one speed on the radar... I looked behind me to check, and there was still nothing there, so I put on my red and blues and I looked in front of me, and there's nothing there, nothing coming towards me, and I'd seen the offending car go past, so I turned to follow it."

8. At the same time, Mr X, an experienced motorcyclist, was riding his motorcycle along State Highway 3, from the direction of Ashhurst towards Palmerston North. Mr X sped up slightly as he passed a truck using a marked passing lane, and after pulling back into the leftmost lane Mr X glanced down to check his speedometer. He saw the speed was showing 105 kph, and remembered thinking that that probably meant he was traveling at 100 kph, because the speedometer reads slightly fast. Mr X looked up and saw "*a lot of colour like a coloured kite going in front of me.*" Mr X told Police that he did not see a car or even a shape, just the colour. He did not remember having time to start braking.
9. Mr X and his motorcycle hit the left front passenger's door of the Highway Patrol car driven by Officer A. Officer A told the Authority that, as she was making the u-turn:

"Next minute, there was just a puff of smoke and a lot of noise and I thought, 'shit, what's happened to the car?' ... and then I was mentally thinking, because I'd sort of looked around in the car and couldn't see, it was like smoky, but you couldn't smell smoke, so I thought the car hasn't caught fire or anything and then I thought there must have been a crash."

10. Officer A got out of the car and saw Mr X on the ground. She went back into the car and used her radio to contact Police Communications. She asked for a supervisor to attend and confirmed there had been a collision. Officer A left the vehicle and went to attend to Mr X. At some point a passer-by had stopped and was tending to Mr X. Mr X wanted his helmet off, and Officer A helped him remove it. Mr X and Officer A both recall Officer A telling Mr X "*I'm so sorry, I didn't see you.*" Mr X was, understandably, extremely angry.
11. Mr X suffered compound fractures to his right hand and wrist, and a broken leg.

Officer B heard the call for a supervisor over the Police radio and, as he was on duty nearby, he attended the scene. When he arrived, he found a white truck pulled over on the side of the road, and two passers-by attending to Mr X. Officer B confirmed that an ambulance was on its way. He spoke with Officer A, and suggested she sit in her patrol car, because she appeared to be in shock, and Officer B wanted to keep her separate from the scene of the collision. The ambulance arrived within seven minutes, and Officer B began traffic control while Mr X was being treated. Mr X was taken to Palmerston North Hospital and underwent surgery to his leg, hand and wrist. He is left with a permanent disability in his wrist and hand.



Crash analysis

12. At the time of the crash, the weather was fine and the road was dry. The road was well-sealed with chip seal. There was moderate traffic. The stretch of road where the collision occurred is straight and flat.
13. Officer A underwent a breath alcohol test, returning a negative result. Mr X was not asked for a breath or blood alcohol test. The Police policy on 'Alcohol and drug impaired driving' requires all drivers involved in a crash to be tested for alcohol.
14. Police Serious Crash investigators estimated Mr X's speed before the crash to be 100 kph. Investigators also observed skid marks and other signs at the scene of the collision which indicated that Mr X had begun to take evasive action approximately 35 metres before the collision site. Officer A's speed was estimated at 30 kph.
15. Both vehicles were assessed and found to have been in "*basically new*" condition prior to the collision. The Serious Crash investigators considered that there were no vehicular issues likely to have contributed to the collision.
16. The Traffic Crash Report concluded that the cause of the collision was Officer A's failure to see Mr X on his motorcycle.

OTHER OUTCOMES

17. Officer A was moved to alternative duties while her court proceedings were underway. On 25 July 2018, Officer A was found guilty of careless driving causing injury. On 18 September 2018 she was convicted, fined and disqualified from driving for six months. Officer A will remain on alternative duties until she is able to regain her driver's licence.



Judge Colin Doherty

Chair
Independent Police Conduct Authority

4 October 2018

IPCA: 17-1252



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