

Investigation Report

Submitted to Police Scotland

Serious Injury Following Police Contact (Road Traffic Collision)

Location: A98, Buckie, Morayshire

Date: 26 December, 2019

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BACKGROUND

About 3.15pm on Thursday 26 December 2019, a road traffic accident occurred on the A98 Fochabers to Banff road, Moray, when a car driven by a 28-year-old man collided with another car, leading to a number of people being seriously injured. Shortly before the crash, the car had been pursued by a marked police car.

The pursuit began in the Buckie area when an officer saw the 28-year-old man driving the car with a male passenger and recognised the driver as a person who had no driving licence. The police officers activated their blue lights to indicate to him to stop but, in an attempt to evade the police, he sped away, driving dangerously and at excessive speed. Following a short pursuit, officers were instructed by the Police Area Control Room (ACR) to stop pursuing the car as there were no Road Policing Units available and, as a result, no additional tactical options could be employed to assist with stopping the car. The officers complied with this instruction. The man then drove away from police along the A98, with witnesses describing the car as travelling at speeds of up to 100 mph.

Further along the road, the man attempted to drive between two cars sitting almost side by side resulting in the car colliding into the back of one of the cars, causing that vehicle and the man's car to spin off the road and collide with trees.

Following the crash, the passenger in the man's car and a female passenger in the other car sustained serious injuries. Four people in the other car, including two young children, sustained minor injuries. The 28-year-old man also sustained minor injuries.

Police Officers arrived at the scene shortly after the crash and ambulance personnel, including an air ambulance, were called. The passenger from the man's car was airlifted to Raigmore Hospital, Inverness. The other injured people were taken by ambulance to Dr Gray's Hospital, Elgin. The man was later released into police custody.

During a search of the man's car a small quantity of Heroin was recovered by officers. He was later convicted of causing serious injury by dangerous driving contrary to Section 1(A) Road Traffic Act 1988 and received a sentence of 30 months imprisonment. His licence was endorsed and a 9 year 3 month driving ban was imposed



REFERRAL TO THE PIRC

On 27 December 2019, Police Scotland referred the incident to the Police Investigations and Review Commissioner (PIRC) in terms of Section 33A (c) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.

PIRC INVESTIGATION

The PIRC carried out an investigation of the circumstances from the time that officers first saw the man's car to immediately after the collision.

During the course of the investigation, PIRC investigators viewed relevant CCTV footage, examined statements from police officers, police staff and members of the public. They also examined Command and Control (STORM) logs, Airwave recordings, briefing papers and relative records from police systems.

PIRC FINDINGS

The investigation finds:

- The man had no driving licence or insurance at the time of the incident;
- When officers saw the man driving his car they indicated to him to stop. When he failed to stop the officers began a pursuit with the intention of stopping the vehicle. The pursuit in these circumstances was appropriate;
- The man then drove dangerously and at excessive speeds;
- On realising that there were no additional tactical options to assist with the pursuit, an ACR supervisor instructed the officers to stop the pursuit. The officers complied with this instruction;
- The man then continued to drive at a high speed along the A98 and, on attempting to drive between two other cars, collided with the rear of one of the cars causing his and the other car to spin off the road, striking trees. This led to a number of persons sustaining serious and other injuries.
- The man, who had numerous opportunities prior to the crash to stop his car or alter his driving behaviour, but chose not to, was solely responsible for the crash.



