

# Executive Summary

## Investigation into the death of Peter Williams

## Overview of Investigation

On Thursday 2 November 2006 two fully liveried Lancashire Constabulary Volvo V70 T5 cars were driving along the B6254 in Carnforth as part of a training course in the use of VASCAR (Vehicle Average Speed Computer And Recorder). This is a computerised system designed to analyse and record the speeds of vehicles as they travel between two fixed points.

The lead vehicle was being driven by Pc Andrew Massingham, who was the instructor on the five-day training course. The second vehicle was being driven by Pc Sean Schofield. Another officer was a front seat passenger in Pc Schofield's car and his task was to practice using the VASCAR system.

The two police vehicles were travelling along the B6254 in Carnforth at approximately 1:45pm when the car being driven by Pc Schofield went out of control on a left hand bend and collided with a VW Touran, containing Peter Williams, 67, from Bolton-le-Sands and his wife, Jean, 64.

Mr Williams, who was driving, sustained a broken leg and chest injuries, and he died in the Royal Lancaster Infirmary at approximately 4:30pm on 3 November. Jean Williams broke both wrists and sustained bruising.

Pc Schofield sustained internal bruising, while the front seat passenger in his car sustained a broken leg and head injury.

The matter was referred to the Independent Police Complaints

Commission (IPCC) at approximately 4pm on 2 November 2006 and an independent investigation was begun.

Summonses were served on Pc Massingham and Pc Schofield on 19 December 2007 requiring them to appear at court to face charges of causing death by dangerous driving.

### **Key Terms of Reference**

To carry out an independent investigation into the road traffic collision at the B6254 Carnforth on 2nd November 2006. The investigation focussed upon:

- 1) The circumstances in which officers were carrying out VASCAR training;
- 2) The cause of the road traffic collision between the Police Volvo V70 T5 and Mr. Williams' VW Touran;
- 3) Establishing if all relevant policies and procedures were followed for VASCAR training;
- 4) Establishing the risk assessment carried out for VASCAR training on the B6254;

### **Collation of Evidence**

The IPCC formally took full control of the investigation on Tuesday 7 November 2006.

Witness statements were taken, force policies and training packages examined, the incident data recorders in the Volvo V70s were analysed and a full investigation of the collision scene undertaken.

## Overview of Investigation Findings

Pc Massingham was the instructor on a five-day training course designed to develop officers' skills in the use of VASCAR. The course was not designed to test the students' driving ability. Three officers, including Pc Schofield, were students on the course. All were trained to an advanced standard as drivers.

On Thursday 2 November 2006 - day four of the course - Pc Massingham had taken the students out onto the roads for further practice in the use of the VASCAR system. One of the students had a pre-arranged appointment to attend and Pc Massingham drove him to this appointment in Morecambe at 12:45pm. Pc Massingham and the other two students, including Pc Schofield, then continued with the training.

According to Pc Massingham, the officers were carrying out practice checks, which involved the students conducting checks on the speed of the target vehicle (being driven by Pc Massingham). This would entail the students activating the VASCAR to measure speed and then reporting to Pc Massingham what speed they believed he was travelling at. Pc Massingham would then advise whether the students were correct or not.

The two Volvos travelled along the B6254 conducting these practice checks.

Both officers stated that they did not believe the speed they were travelling at was excessive. Pc Schofield stated in interview he was attempting to catch up to Pc Massingham to conduct a VASCAR check.

It has been established that the Volvo V70 T5 being driven by Pc Schofield reached a maximum speed of 104mph on the B6254. The

speed limit for the road is 60mph. At the point at which the vehicle went out of control on the left hand bend it has been established that it was travelling at 94mph.

Pc Massingham had reached a maximum speed of 95mph on the B6254 and travelled around the left hand bend at 83-86mph.

Expert accident investigators have determined that the lead vehicle driven by Pc Massingham accelerated faster than the second vehicle driven by Pc Schofield over the initial section of the road, creating a gap. Pc Schofield then attempted to close the gap reaching the peak speed of 104mph, compared with Pc Massingham's peak speed of 95mph.

The investigation also highlighted 20 hazards along the route taken by the police cars, including blind spots, field entrances, road junctions and entrances to houses.

The accident scene investigators concluded that the Volvo being driven by Pc Schofield lost control after negotiating a left hand bend some 130 metres prior to the final point of impact.

Accident scene investigators also conducted sterile tests along the roads driving vehicles at various speeds, including those over 80mph. At that speed the vehicle exhibited characteristics of lightening steering and rear wheels leaving the road.

### **Key Conclusions**

The investigation concluded that the speed of the vehicles was a major contributing factor to the incident. The allegations that Pc Schofield and Massingham failed in their performance of duties was substantiated.

The investigation also concluded that there was insufficient evidence to

bring criminal or misconduct proceedings against the officer who was a passenger in Pc Schofield's car.

### Specific Recommendations

The investigation made three recommendations to Lancashire Constabulary:

1) The investigation uncovered an incoherent delivery of VASCAR training within Lancashire Constabulary. VASCAR had been reintroduced in Lancashire Constabulary in 2005 and a new wave of training introduced.

A protocol was developed but it was clear the officers in charge of the training had differing interpretations with regard to acceptable speeds, routes to be used and whether vehicles should be double-crewed.

Too much onus was placed on the status of the students as advanced drivers. The investigation team accepted the focus of the training should be on developing a competency in using the VASCAR system, but believe that there should also be an element of driving instruction.

The investigation team recommended it would be better in terms of providing consistent, structured and easily auditable training for the training to be brought under the remit of the Constabulary's motor driving school.

2) The investigation found that the VASCAR units in Pc Schofield's and Massingham's cars had not been well maintained and as a result the back-up batteries had deteriorated. This meant the data from the systems was lost the moment the unit was removed from the vehicle.

3) Although it did not impact upon this investigation, the preservation of the accident scene in the initial moments post collision was poor.

Officers responding to the incident failed to establish an immediate cordon to preserve the integrity of the scene. In addition there was no record of people and their movements within the incident scene.

The IPCC has recommended that Lancashire Constabulary re-affirms to Senior Investigating Officers the importance of considering the use of a scene log at the inception of all incidents involving serious road traffic collisions.

### **Outcome of Court Case**

Pc Schofield and Pc Massingham faced trial on charges of causing death by dangerous driving at Liverpool Crown Court. The trial began on Monday 15 September 2008 and concluded on Tuesday 7 October. Both officers were found not guilty of causing death by dangerous driving.

Pc Schofield was found guilty of careless driving and given a £500 fine and a two-year driving disqualification.

### **Disciplinary Action**

Following the court case the IPCC entered into discussions with Lancashire Constabulary about appropriate disciplinary sanctions against the two officers. The following sanctions were agreed and implemented:

#### Pc Schofield

- will be removed from traffic duties for three years;
- will have his advanced driving status removed for three years followed by a requirement to undertake requalification;
- will receive a Superintendent's written warning.

Pc Massingham

- will be removed from traffic duties for two years;
- will have his advanced driving status removed for two years followed by a requirement to undertake requalification
- will receive a Superintendent's written warning.

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