
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : PHILIP JOHN URQUHART, CORONER
HEARD : 29 JULY 2025
DELIVERED : 29 DECEMBER 2025
FILE NO/S : CORC 525 of 2024
DECEASED : KENNY, RORY KEVIN JOSEPH

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Mr W Stops assisted the Coroner
Mr E Heywood (State Solicitor's Office) appeared on behalf of Western
Australia Police Force

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Philip John Urquhart, Coroner, having investigated the death of **Rory Kevin Joseph KENNY** with an inquest held at Perth Coroners Court, Central Law Courts, Court 85, 501 Hay Street, PERTH, on 29 July 2025, find that the identity of the deceased person was **Rory Kevin Joseph KENNY** and that death occurred on 21 February 2024 at Wellard Road, Calista, from multiple injuries in the following circumstances:*

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SUPPRESSION ORDER

On the basis it would be contrary to the public interest, I make an Order under section 49(1)(b) of the *Coroners Act 1996* that there be no reporting or publication of the details of any of the versions of the WA Police Emergency Driving Policy and Guidelines, including, but not limited to, any cap on the speed at which police officers are authorised to drive.

INTRODUCTION

“Fairness doesn’t govern life and death. If it did, no good man would ever die young.”

Mitch Albom, author

- 1 On the evening of 21 February 2024, Rory Kevin Joseph Kenny (Rory¹) died after the motorcycle he was riding crashed on that part of Wellard Road in Calista that was a no-through road (the crash). He was 20 years old and one week shy of his 21st birthday.
- 2 At the time of the crash, Rory was being followed by two police officers from the Western Australian Police Force (WAPF) in an unmarked police car that was attempting to intercept the motorcycle Rory was riding.
- 3 Rory’s death was a reportable death within the meaning of section 3 of the *Coroners Act 1996* (WA) (the Act) because it resulted from injury. By reason of section 19(1) of the Act, I have jurisdiction to investigate Rory’s death.
- 4 Rory’s death occurred during a police intercept incident.² Therefore, pursuant to section 22(1)(b) of the Act, an inquest into Rory’s death was mandatory as it “*appears that the death was caused, or contributed to, by any action of a member of the Police Force*”.
- 5 Section 22(1)(b) of the Act is enlivened whenever the issue of causation or contribution in relation to a death arises as a question of fact, irrespective of whether there is fault or error on the part of the police officers involved
- 6 Due to public interest factors, I made a suppression/non-publication order with respect to the reporting or publication of the details of any of the versions of the WAPF Emergency Driving Policy (the Policy).
- 7 I held an inquest into the death of Rory at Perth over the course of one day on 29 July 2025, which was attended by members of Rory’s family. The following six witnesses gave oral evidence:
 - i. Detective Senior Constable Kyle Bray (the driver of the police car involved in the police intercept incident);

¹ The family had requested their relative be referred to as “Rory” during the inquest and accordingly, I will use his first name in this finding.

² Also colloquially known as a police pursuit.

- ii. Constable Connor Hall (the passenger in the police car involved in the police intercept incident);
 - iii. Senior Constable Dean Rowlands (attached to the WAPF Major Crash Investigation Section (MCIS) and who conducted the forensic examination of the crash scene);
 - iv. Detective Sergeant Jade Lay (investigating officer from the MCIS);
 - v. Sergeant John Smith (policy witness regarding the operation of the Policy); and
 - vi. Detective Sergeant Albert Xu (investigating officer from the WAPF Internal Affairs Unit (IAU)).
- 8 The documentary evidence at the inquest comprised of one volume of the brief that was tendered by counsel assisting as exhibit 1 at the commencement of the inquest, and a further five exhibits (exhibits 2-6) tendered during the inquest.
- 9 My primary function has been to investigate the death of Rory. It is a fact-finding function. Pursuant to section 25(1)(b)(c) of the Act, I must find, if possible, how the death of Rory occurred and the cause of his death. Given the known circumstances in this matter, those findings can be made without difficulty.
- 10 Pursuant to section 25(2) of the Act, I may comment on any matters connected to the death of Rory, including public health or safety, or the administration of justice. This is an ancillary function of a coroner.
- 11 Section 25(4) of the Act prohibits me from framing a finding or comment in such a way as to appear to determine any civil liability or suggest a person is guilty of an offence. It is not the role of a coroner to assess the evidence for civil or criminal liability.
- 12 In making my findings, I have applied the standard of proof as set out in ***Briginshaw v Briginshaw*** (1938) 60 CLR 336, 361-362 (Dixon J), which requires a consideration of the nature and gravity of the conduct when deciding whether a matter adverse in nature has been proven on the balance of probabilities (the ***Briginshaw*** principle).
- 13 I am also mindful not to insert hindsight bias into my assessment of the actions taken by the two police officers during their intercept incident involving Rory on 21 February 2024. Hindsight bias is the tendency, after the event, to assume the event was more predictable or

foreseeable than it actually was at the time.³ The need to adhere to that principle is particularly relevant in this matter as police officers directly involved in the pursuit of a road user who has failed to stop are often required to make quick decisions in a highly adrenalised environment.

RORY

Background⁴

- 14 Rory was born on 28 February 2003. At the time of his death, he was living in Orelia. Rory was in a relationship with his partner with whom he had a baby boy. At the time of the inquest, Rory's family advised the Court that Rory's son was nearly 2½ years old.⁵
- 15 Rory had been riding motorcycles from a young age and was a proficient rider. Although he had obtained a learner's permit for a car on 31 March 2020, Rory never held a motorcycle license. His learner's permit had been suspended due to unpaid fines.
- 16 The motorcycle Rory was riding on the night of 21 February 2024 was an off-road KTM motorcycle. The license plate on the motorcycle belonged to another motorcycle which had been de-registered two years earlier. The license plate had not been reported as stolen.
- 17 At the inquest, Rory's family advised the Court that Rory knew the location of the crash "*extremely well*".⁶

EVENTS LEADING TO RORY'S DEATH⁷

- 18 Officer Bray and Officer Hall were attached to the Mandurah Detectives Office. On the evening of 21 February 2024, they were on duty in an unmarked police car (a grey coloured Holden Commodore) with Officer Hall driving.

Fires in the area

- 19 On that same evening, the Department of Fire and Emergency Services (DFES) were responding to a series of bushland fires in Wellard, Parmelia and Calista. These included fires that had been lit in bushland near Wellard Road in Calista.

³ Dillon H and Hadley M, *The Australasian Coroner's Manual* (2015) 10

⁴ Exhibit 1, Tab 7

⁵ Ts p.127

⁶ Ts p.128

⁷ Exhibit 1, Tabs 7-9 and 25-26; Exhibits 4-6

- 20 Shortly after 9.00 pm, the two police officers were driving west on Wellard Road in Calista. They had previously seen several DFES vehicles in the Kwinana area. As they drove along Wellard Road, they observed two fires within a kilometre of each other, with civilians present at each fire. Police communications confirmed the existence of several spot fires in the area. The two police officers suspected these fires and the two that they had observed had been deliberately lit. They then began patrolling the Calista area for any suspicious activity involving the fires.
- 21 As they patrolled the area, the two police officers received information that a blue Mazda vehicle may be of interest with respect to the fires. Consequently, Officer Bray became the driver of the police car as he was qualified as a priority pursuit driver. This qualification permitted him to engage in a police intercept if a road user failed to stop when required to do so.

The police officers observe Rory's motorcycle

- 22 At about 9.10 pm, Officer Bray was driving east on Wellard Road in Calista. As the police officers approached the intersection with Gentle Road, they noticed a motorcycle directly behind them. This motorcycle was being ridden by Rory. As the police officers believed the motorcycle was exceeding the speed limit of 70 km per hour, Officer Bray indicated to turn left into Gentle Road to enable Rory to pass the police car.
- 23 Rory overtook the police car and accelerated rapidly. He then veered to the left and jumped the curb, and rode along the footpath on the northern side of Wellard Road. The two police officers were able to observe that Rory appeared to have good control of the motorcycle and was wearing a helmet.
- 24 Officer Bray re-entered Wellard Road and kept some distance from Rory. He did not activate the police car's emergency sirens or lights for safety reasons as he did not want to engage with Rory whilst he was riding on the footpath.
- 25 After a short distance riding on the footpath, Rory rode back onto Wellard Road. At this stage, the police car was about 100 metres behind the motorcycle. Once again, the police officers noted that the motorcycle's manoeuvring suggested that Rory was a proficient rider.

The police officers decide to engage Rory's motorcycle

26 As Officer Bray said in his written statement to the Court:⁸

Given the rider's manner of riding (appeared to be very attention seeking), the numerous fires in the area and the known likely nature that arsonists return to the area, in addition to volume crime offenders riding stolen off-road motorcycles in the area, I made the decision to engage the motorcycle and conduct a vehicle stop.

27 However, as there were two DFES vehicles and a white sedan parked up ahead on Wellard Road, Officer Bray did not immediately activate the police car's emergency lights and sirens until the motorcycle and the police car had negotiated these vehicles.

28 After driving past these vehicles, Officer Bray activated the emergency lights and sirens. Rory did not stop and accelerated before turning left at Westbrook Street and then immediately right onto a slip road on the northern side of Wellard Road. This no-through road, somewhat confusingly, is also called Wellard Road (the no-through road).

29 After activating the emergency lights and sirens, Officer Bray reached a speed of 133 km per hour on Wellard Road, before slowing down to enter Westbrook Street and then the no-through road.⁹

The no-through road

30 CCTV footage from a residential property at the corner of Westbrook Street and the no-through road (the CCTV footage¹⁰) depicted Rory travel past the property on the no-through road at about 54 km per hour at 21:12:27.¹¹ The motorcycle's headlights were on. The CCTV footage showed the police car travel past the property at about 65 km per hour. It was six seconds behind Rory (21:12:33¹²).

31 Officer Bray accelerated at speed along the no-through road and up to an estimated 104 km per hour. As the no-through road had a gentle rise and then a left-hand bend, the police officers temporarily lost sight of Rory's motorcycle. They continued along the no-through road for about 13 seconds before seeing a cloud of dust across the road. This had been caused by Rory crashing the motorcycle which was on the southern verge of the road. Rory was lying on his side with his helmet still

⁸ Exhibit 1, Tab 9, p.6

⁹ Exhibit 1, Tab 28, p.5

¹⁰ Exhibit 5

¹¹ 9.12 pm 27 seconds

¹² 9.12 pm 33 seconds

secured, a short distance from the motorcycle. There was no street light fitted to the power pole adjacent to the left-hand bend at the crest.

- 32 A subsequent forensic examination of the crash scene found that the motorcycle made contact with the road just after the commencement of the left-hand bend. It then slid across the road before impacting two small trees on the southern side of the no-through road about 20 metres from where the motorcycle first made contact with the road. Rory was found on the southern verge of the no-through road. The motorcycle was lying left-side down on the verge with damage predominantly to its left-side. Two rubbish bins were on the northern verge at the commencement of the left-hand bend. They were positioned just before the commencement of the scratches on the road surface caused by the motorcycle making contact with the road.¹³

Actions taken to assist Rory after the crash

- 33 Officer Bray immediately stopped and went to assist Rory. Although he was breathing, Rory was unresponsive and it was readily apparent he was severely injured. Officer Hall requested the attendance of a Priority 1 ambulance.
- 34 When Rory stopped breathing, the police officers removed his helmet and commenced CPR. Additional police officers and DFES personnel arrived to assist, and CPR was continued on a rotational basis until 9.36 pm when St John Ambulance paramedics took over Rory's care.
- 35 Sadly, despite extensive resuscitation efforts, Rory could not be revived, and he was declared life extinct by a paramedic at 10.09 pm on 21 February 2024.¹⁴
- 36 It had only taken a little over 30 seconds from the time Officer Bray activated the police car's emergency lights and sirens until Rory and the motorcycle were located by the two police officers at the crash site.

CAUSE AND MANNER OF DEATH

Cause of death¹⁵

- 37 Dr Bronwyn Inglis, a forensic pathologist, conducted a post mortem examination on Rory's body on 26 February 2024. The examination found evidence of medical intervention and resuscitation efforts, in

¹³ Exhibit 1, Tab 25, p.3

¹⁴ Exhibit 1, Tab 6

¹⁵ Exhibit 1, Tabs 4.1-4.2 and Tab 5

addition to abrasions and lacerations to Rory's face and abrasions and bruises to his upper limbs and chest. There was an open left lower leg fracture and scattered bruises and abrasions to the lower limbs.

- 38 An internal examination found a massive right haemothorax in association with injuries to the pericardial sac and the heart. This had caused a collapsed right lung. There were also contusions and lacerations to the liver, and soft tissue haemorrhage of the left kidney and of the urinary bladder.
- 39 A CT scan showed multiple facial fractures, multiple pelvic fractures, a left femur fracture, left tibia and fibula fractures and blood in the chest cavity.
- 40 Toxicology testing detected methylamphetamine in Rory's blood at a level of 0.27 mg/L and amphetamine at approximately 0.04 mg/L. Tetrahydrocannabinol (indicating recent cannabis use) was also detected in the blood at approximately 32 ug/L. A urine sample detected a low alcohol level of 0.016%.
- 41 At the conclusion of the post mortem investigations, Dr Inglis expressed the opinion that the cause of death was: "*multiple injuries*".
- 42 I accept and adopt the conclusion expressed by Dr Inglis as to the cause of Rory's death.

Manner of death¹⁶

- 43 I am satisfied that given all the circumstances, Rory was aware that police wanted him to stop the motorcycle he was riding. As I have already noted, he did not hold a motorcycle license. He had previously been stopped by police for the offence of no authority to drive on 10 and 14 October 2020, and again on 16 July 2021. On 14 October 2020, he had also been charged with the offence of driving with a prescribed illicit drug in his system.
- 44 Had he been stopped by police on 21 February 2024, it was highly likely Rory would have faced a number of traffic-related charges that included no authority to drive, driving with a prescribed illicit drug in his system, careless or reckless driving regarding his riding on the footpath, and riding a motorcycle with a false registration plate. The prospect of these charges would have provided Rory with an incentive to avoid being stopped by police.

¹⁶ Exhibit 1, Tab 7

- 45 As he was familiar with the area, it is also very likely that Rory knew the no-through road would provide him with a means of avoiding the police car. The relevant street view from Google Maps at the end of the no-through road shows that the motorcycle would have been able to continue travelling east after the end of the no-through road via a footpath and then be able to turn onto Calista Avenue. In contrast, had the police car driven to the end, it would have had to turn around due to the positioning of wooden bollards and tree trunks lying on the ground at the end of the no-through road and travel back the way it had come.¹⁷
- 46 In addition, the amounts of methylamphetamine and cannabis in Rory's system were at levels associated with intoxication.¹⁸ This would have lessened Rory's inhibitions and provide further motivation to avoid the police.
- 47 I am satisfied that in his efforts to escape from police, Rory rode the motorcycle in an unsafe manner. For reasons that are not entirely clear,¹⁹ he lost control of the motorcycle at a left-hand bend of the no-through road which then impacted with two verge-side trees and resulted in Rory sustaining fatal injuries.
- 48 Accordingly, I find that death occurred by way of accident.

SUBSEQUENT INVESTIGATIONS

*Police intercept driving policy*²⁰

- 49 Police officers with the WAPF are required to comply with policies and procedures relating to emergency driving. As I have already outlined, I have made a suppression order relating to the operational aspects of these policies and procedures (the Policy).
- 50 For that reason, I only intend to outline key provisions of the procedures to be followed by police during a police intercept incident.
- 51 First, police officers engaged in an intercept incident are required to undertake a risk assessment before and during the intercept incident, and to consider relevant factors when deciding whether to initiate and/or continue with the intercept.

¹⁷ <https://www.google.com/maps/place/Calista+Ave,+Calista+WA+6167/@-32.2470113,115.803911,1846m/data>

¹⁸ Exhibit 1, Tab 7, pp.4 and 8

¹⁹ Although it is possible Rory may have been distracted by the two rubbish bins that were on the verge to his left.

²⁰ Exhibit 2

- 52 Secondly, police officers engaged in an intercept (usually the passenger in the police car) must provide regular updates to the State Operations Command Centre (SOCC). An intercept may be terminated by SOCC, the driver or passenger of the police car involved in the intercept, or by one of a range of authorised officers.
- 53 Thirdly, when an intercept has been terminated, the driver of the police car must switch off emergency lights and sirens, reduce speed and comply with the posted speed limit.

Drug and alcohol testing

- 54 Shortly after Rory's death, Officers Bray and Hall underwent drug and alcohol testing. The results of these tests established that neither had consumed alcohol or common illicit drugs immediately before the commencement of, or during, their shift.²¹

The IAU investigation²²

- 55 When a police intercept incident results in a death, the matter is deemed to be a critical incident and an IAU investigation must be undertaken to examine the appropriateness of the actions of the police officers involved and to determine whether there had been compliance with the Policy.
- 56 At the completion of the IAU investigation, which involved a compulsory managerial interview with the two police officers, it was determined that both officers had complied with the Policy and that their actions during the intercept were appropriate.
- 57 Included in the IAU investigation was a consideration of the following material:
- a. The CCTV footage from the residence at the corner of Westbrook Street and the no-through road;
 - b. An analysis of the Automatic Resource Location data (ARL)²³ for the police car involved;
 - c. The report prepared by Senior Constable Dean Rowlands; and
 - d. A review by Senior Sergeant Tiffany McAlinden, the Officer-in-Charge of the Operation Skills Safety Coordination Unit, which

²¹ Exhibit 1, Tab 28, p.11

²² Exhibit 1, Tab 28

²³ This data provides an estimate of the speed of the police car at intervals between three and 10 seconds.

has the responsibility and oversight of the management of the Policy.

- 58 Although I am relevantly informed by the contents of the IAU report, I am not bound by its findings. However, as addressed below, I accept its conclusions that there was no breach of the Policy by either of the two police officers involved in the intercept incident.
- 59 Although the IAU investigation found that Officer Bray did not submit his written Evade Incident Report within 96 hours of the incident (as stipulated in the Policy), I am satisfied the explanation for that was entirely reasonable.²⁴

The MCIS investigation

- 60 Detective Sergeant Jade Lay from the MCIS also undertook an investigation of the crash.
- 61 His report for the Court²⁵ noted that a qualified mechanic and vehicle examiner from the WAPF Vehicle Investigation Unit had examined the motorcycle and found no faults with the motorcycle that may have caused or contributed to the crash. This vehicle examiner was also asked about the effect of riding a motorcycle with off-road tyres compared to road tyres, and he explained “*knobbly style tyres would have less grip on the sealed road due to less rubber in contact with the surface.*”²⁶
- 62 At the conclusion of the MCIS investigation, Detective Sergeant Lay concluded that the causal factors for the crash were the speed of the motorcycle and the high reading of illicit drugs in Rory’s system. He also determined: “*The evidence collected in this investigation suggest there to be no fault by [Officer] Bray for the death of the deceased.*”²⁷
- 63 As with the IAU report, although I am relevantly informed by the contents of the MCIS report, I am not bound by its findings. However, as outlined below, I am satisfied that the actions by Officers Bray and Hall were appropriate.

²⁴ Exhibit 1, Tab 28, p.8

²⁵ Exhibit 1, Tab 7

²⁶ Exhibit 1, Tab 7, p.3

²⁷ Exhibit 1, Tab 7, p.9

ISSUES RAISED BY THE EVIDENCE

Was it appropriate for police to attempt to intercept Rory?

- 64 Despite the tragic outcome, I am satisfied there were sufficient reasons for the two police officers to engage Rory and then become involved in the police intercept incident when he failed to stop.
- 65 It is not in dispute that fires had been deliberately lit by arsonists in the immediate vicinity of Wellard Road, Calista.
- 66 On 20 March 2024, a man and a woman were arrested and charged with 15 offences of “wilfully lighting or causing to be lit a fire likely to injure or damage”. Police alleged that five of those fires were lit between about 8.30 pm and 8.55 pm on 21 February 2024. Two of those fires were lit shortly before 9.00 pm in bushland along Wellard Road, Calista.²⁸
- 67 I accept the evidence from Officer Bray that off-road motorcycles are used by offenders. I am also satisfied that the two police officers were entitled to suspect the rider of the motorcycle they saw on Wellard Road may have been involved in lighting the nearby fires; particularly given the manner in which Rory rode the bike after it had passed the police car near Gentle Road.
- 68 Another reason to regard the motorcycle with suspicion was the observation Officer Bray made as he followed the motorcycle; namely, that its registration plate “*was bent in and tucked in underneath the fenders at the back.*”²⁹ He made the assessment at the time that it appeared that was an attempt to obscure the plate.³⁰ As I have already noted above, this registration plate was not the correct one for this motorcycle.

Did the two police officers comply with the Policy?

- 69 I have carefully considered the report from Senior Sergeant McAlinden that was prepared for the IAU investigation and became an exhibit at the inquest (the Report).³¹

²⁸ <https://www.miragenews.com/bushfire-arson-charges-21-march-1199916/>

²⁹ Ts p.23

³⁰ Ts p.23

³¹ Exhibit 1, Tab 33

- 70 The Report identified the POET Principle that applies to police officers engaged in an intercept incident. This principle was described as follows:³²

In determining if the risk is acceptable, officers must consider (but not be limited to) the following four broad groups, easily remembered by applying the POET Principle;

Police Considerations:

- Driver qualifications
- Vehicle class and suitability for role
- Does the police vehicle capability provide a reasonable chance of apprehension of the target vehicle (performance difference)?

Options to be considered other than Intercept Driving:

- Could Police Air Wing be utilised to maintain target contact, instead of vehicles performing Intercept Driving?
- Is the identity of the target known to police and could they be apprehended in a safer manner at a later time?

Environment:

- Consideration of the physical area to determine if Intercept Driving in the location is reasonable in the circumstances
- Road/traffic/weather conditions
- Pedestrian activity.

Target considerations:

- Risks posed by the behaviour of the target driver/condition of vehicle
- Seriousness of offences and the need to preserve evidence
- Risk of continued offending
- Risk to the public if target not stopped and apprehended
- Juveniles or vulnerable persons in vehicle
- Consider elevated risks to motorcyclists.

- 71 At the inquest, Officer Bray confirmed that he had applied the POET Principle at all times during the intercept incident.³³

- 72 After applying the POET Principle to the intercept incident involving Rory, Senior Sergeant McAlinden stated:³⁴

The manner of driving needs to be weighed against the seriousness of the offending suspected to have been committed by the rider of the KTM, the likelihood of that offending continuing and the risk to the public should the offender not be apprehended. At the time of the incident,

³² Exhibit 1, Tab 33, p.11

³³ Ts pp.40-43

³⁴ Exhibit 1, Tab 33, p.13

[Rory] had not been identified as being the rider of the KTM, the only information known at the time was that the motorcycle was seen driving in [a] manner that drew attention to it in an area that was subjected to suspected arson attacks that were actively being attended to by DFES.

It is reasonable to suggest that when reviewing all the evidence presented holistically, the need to stop the KTM and apprehend a suspect to an arson, outweighs the identified risk(s).

- 73 In concluding that the two police officers had conducted the intercept incident in accordance with the Policy, Senior Sergeant McAlinden noted the following:³⁵

It is relevant for context to note the incident in its entirety lasted 35 seconds, commencing when Bray made a conscious decision to conduct an intercept by activating the emergency lights and sirens, to when the police vehicle OM455 came to a stop after temporarily losing sight of the KTM and coming across the KTM and rider on the southern side of the verge a short distance later on Wellard Road.

It is the opinion of the author that Bray conducted adequate risk assessments throughout the incident. He considers multiple factors before conducting the intercept, including the environment, emergency service workers, road and weather conditions, the speed, riding capability of the rider and protective clothing/clothing worn by the rider. Although the outcome of this EPID³⁶ incident was fatal, it is difficult to equate a reason to the rider, [Rory], losing control of the motorcycle and crashing and sustaining fatal injuries. From the Initial Collision Assessment Report, there may be multiple factors that may have impacted the outcome, including road layout, available street lighting. From the evidence at the scene, it is relevant to highlight the suggestion that there was no contact between the police vehicle and the KTM prior to the KTM crashed.

- 74 I accept that opinion from Senior Sergeant McAlinden and am satisfied that Officers Bray and Hall complied at all times with the policies and procedures that applied to police intercept incidents.
- 75 I am also satisfied there was no evidence, forensic or otherwise, to indicate that the police car made contact with Rory's motorcycle at any time during the intercept incident.

³⁵ Exhibit 1, Tab 33, p.13

³⁶ Evade Police Intercept Driving

Should the police officers have notified Police Airwing?

76 I am satisfied that given the short duration of the police intercept incident, there was insufficient time for the police officers involved to contact Police Airwing (PolAir).

77 At the inquest, Officer Bray said that once he was satisfied the risk was satisfactory to engage in the pursuit.³⁷

And then the normal flow as I said, would be “got a vehicle failing to stop, can we have PolAir?”. [That] would have been the natural flow of it. And that would normally take, you know, within the first minute, that’s all established.

78 In light of that evidence, Officer Bray was asked why PolAir was not involved. He answered:³⁸

The normal flow of a pursuit – we can’t call PolAir for every suspicious vehicle we see. So sometimes – it’s [a] very long-winded answer to answer that, but if – say, I had identified that the rider of that bike as a murderer, well, immediately we would have called PolAir and said, “We have a suspect for a murder on a bike.” And PolAir is going to come. But if we were to notify and make PolAir aware of every suspicious instance we saw where they may be required to be involved, they couldn’t respond to all of it. They couldn’t monitor all of it. So the normal flow of a pursuit in one like this, where I haven’t identified the rider, they’re not arrestable for any particular offence, would be that you would engage – you would try and conduct a vehicle stop, first and foremost, with intent for the vehicle to stop. At the point that it fails to stop, if this pursuit had gone for an extra 20 seconds, we would have called for PolAir. And if PolAir had said, “No. We’re not available. We can’t come.” Well, then we would have to [have] done another risk assessment, and at that point, we may have terminated the pursuit. I’m not 100 per cent sure. Because you need to have a resolution strategy for a pursuit with a bike. The only resolution strategy, really, is PolAir or them deciding to stop. So we didn’t – to answer your question, we just didn’t have enough time and space. The pursuit was too short. The next call would have been get PolAir.

79 At the inquest, Officer Hall was also asked why he was not able to request the involvement of PolAir. He answered:³⁹

It was just such a short period of time, it didn’t really become apparent that it was going to be an ongoing shoot [sic – pursuit] or anything like

³⁷ Ts p.29

³⁸ Ts pp.41-42

³⁹ Ts p.59

that. That usually is, once it's acknowledged by SOCC, that would usually be the next step, just to start calling for backup and PolAir and things like that.

Yes. So potentially, if this intercept went for a longer period of time, that would have been the next step to consider whether or not a police helicopter could be involved?---Yes.

- 80 I am satisfied that given the shortness of the police intercept incident, there was not sufficient time for the police officers to request PolAir involvement. In fact, Officer Hall was still in the process of alerting SOCC over the radio of the police intercept incident when they discovered the crash. I am satisfied the stage when PolAir would be requested had not been reached.
- 81 Had Rory exited the end of the no-through road via the footpath, thereby preventing the police car from following him, I am satisfied that this would have been the time for Officers Bray and Hall to contact PolAir.

Did a parked DFES vehicle on the no-through road cause or contribute to the crash?

- 82 This question arose at the completion of the inquest. As I said at that time, I would review the CCTV footage and the footage from the body worn camera of Officer Hall (the BWC footage)⁴⁰ after the inquest to determine whether Rory may have crashed the motorcycle as a result of avoiding a DFES vehicle that had earlier driven down the no-through road.
- 83 The digital 24-hour clock times stated below are those that appear in the CCTV footage and the BWC footage. These two times are not synchronised; however, they appear to be relatively close to each other.
- 84 The CCTV footage depicted a DFES utility travel past the property along the no-through road at 21:10:44 seconds.⁴¹ It does not appear again on the CCTV footage prior to when Rory's motorcycle and the police car are shown driving along the no-through road.
- 85 As I have noted earlier in this finding, the CCTV footage showed Rory's motorcycle enter the no-through road and travel past the same property at 21:12:27 seconds, i.e. one minute and 43 seconds after the

⁴⁰ Exhibits 4-6

⁴¹ 9.10 pm 44 seconds

DFES utility was seen. The police car travelled past the same property six seconds after Rory's motorcycle.

- 86 The BWC footage recorded a car horn at 21:12:35.⁴² I am satisfied this was Officer Bray sounding the police car's horn and that he did so in response to sighting the parked DFES vehicle. About one second later, the stationary DFES vehicle which is under a power pole with lighting can be seen at the bottom left-hand corner of the BWC footage. Approximately one second after that, the headlights of this DFES vehicle glare in the police car's passenger side-view mirror. The light from these headlights is at a different angle and brightness compared to the street light glare shown at other times in this side-view mirror. That would suggest the glare from these headlights was not facing Rory as he rode the motorcycle along the no-through road.
- 87 I am satisfied that this DFES vehicle was the DFES utility shown earlier on the CCTV footage and that it had parked on or very near to the northern verge of the no-through road.
- 88 After passing the DFES utility, the BWC footage showed the police car travel past an additional four power poles before stopping. This is important as it assists in working out where the stationary DFES utility was parked as that can be calculated from the number of power poles the police car passed before it stopped at the crash scene.
- 89 Using Google Maps, I have been able to determine that the DFES utility was parked under the power pole with a light at the dividing fence line between the house at 15 Wellard Road and the house on the corner of Wellard Road and Wells Place (1 Wells Place).⁴³
- 90 Again by using Google Maps, the distance from the stationary DFES utility and the left-hand bend in the no-through road is 165 metres.⁴⁴
- 91 I note the DFES utility is not mentioned in any of the police reports or witness statements. If this utility posed a risk to vehicles travelling on the no-through road, it would be expected to have stood out to Officers Bray and Hall but they had not mentioned it before the inquest. If the police car had to swerve to avoid it, then it would be expected that they would have remembered it and referred to it.

⁴² 9.12 pm 35 seconds

⁴³ <https://www.google.com/maps/place/1+Wells+Pl,+Calista+WA+6167/@-32.2522416,115.8054452m/data>

⁴⁴ This calculation is made without accounting for the slight six metre gradient/rise between the two points.

- 92 The BWC footage does not appear to show the police car manoeuvring in a way to suggest it had to take evasive action to get around the DFES utility.
- 93 I also note that Senior Constable Rowlands gave evidence at the inquest that there was no physical evidence to suggest the motorcycle was swerving to avoid something that was on the road. In addition, the distance from where I have been able to calculate that the DFES utility was parked to the crash site is significant. As demonstrated in the Google Maps photograph that is attached to this finding (“Attachment A”), it was some distance from the crash site. The power pole where the DFES utility was parked is depicted in the foreground and left-hand bend is in the background.
- 94 In those circumstances, I am satisfied that the presence of the parked DFES utility did not cause or contribute to the crash.
- 95 In reaching this conclusion I also rely on the evidence from Senior Constable Rowlands.
- 96 In his report, Senior Constable Rowlands noted:⁴⁵
- The physical evidence showed the KTM rider lost control of the motorcycle as it was entering into a left bend, before the motorcycle slid along the road and briefly across the nature reserve.
- 97 At the inquest Senior Constable Rowlands was asked whether there was anything to suggest that Rory was manoeuvring the motorcycle in a way “*to avoid oncoming traffic or something like that*”. Senior Constable Rowlands answered:⁴⁶

There was no evidence to show that. No. The bike – the bike itself – probably, what also supports that is the way that the scratch marks scratch the road in a, essentially, a straight sort of way. So they haven’t – he hasn’t deviated, and the marks haven’t gone off in a different direction. They’ve – they’ve gone straight, and that’s where, essentially, his inertia is going that way, so he’s coming straight up the road. And that’s where the scratch marks went.

⁴⁵ Exhibit 1, Tab 26, p.3

⁴⁶ Ts p.84

Did the actions of the two police officers cause or contribute to the crash?

- 98 Although it may be contended that had Officer Bray not activated his emergency lights and sirens then Rory would not have ridden the motorcycle in the way that he did when he entered the no-through road. However, that is not the test. The relevant question is whether Officers Bray and/or Hall caused or contributed to the motorcycle crashing due to a non-compliance with the Policy or any other inappropriate action on their part.
- 99 After a careful consideration of the information available to me, including the oral evidence at the inquest, I am satisfied that Officers Bray and Hall were entitled to engage in the intercept of Rory and their actions during the short intercept incident complied with the Policy and were appropriate at all times. I am also satisfied that their actions once they arrived at the crash scene were appropriate.

CONCLUSION

- 100 The information available to me shows that Rory was riding the motorcycle on the night of 21 February 2024 when he was intoxicated with methylamphetamine and cannabis. A likely explanation for his failure to stop once he heard and/or saw that Officer Bray had activated the unmarked police car's emergency lights and sirens was his awareness he faced the prospect of a number of traffic offences should he be stopped. Another likely explanation was his level of intoxication would have lowered his inhibitions.
- 101 Rory sustained fatal injuries barely 30 seconds after the police car's emergency lights and sirens had been activated when he rode the motorcycle at high speed and lost control in his attempts to evade police. Despite the best efforts of police officers, DFES personnel and paramedics, Rory could not be revived, and he died at the scene. Tragically, he was just 20 years old and the father of a very young child.
- 102 After careful consideration of the available evidence, and with due regard to the ***Briginshaw*** principle, I am satisfied the actions of Officers Bray and Hall during the very brief intercept incident did not cause or contribute to Rory's death and that they complied with the policies and procedures relating to police intercept incidents at all times. I am also satisfied that their resuscitation efforts were prompt and efficiently carried out, as was their call to have paramedics urgently attend.

- 103** As I did at the conclusion of the inquest and on behalf of the Court, I again convey to Rory's former partner, his family and his friends, my very sincere condolences for their sad loss.

PJ Urquhart

Coroner

29 December 2025

ATTACHMENT A

