



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 20/15

I, Sarah Helen Linton, Coroner, having investigated the death of **Sean BRUCE** with an inquest held at the **Perth Coroner's Court, Court 51, CLC Building, 501 Hay Street, Perth** on **16 June 2015** find that the identity of the deceased person was **Sean BRUCE** and that death occurred on **18 May 2012** at **Royal Perth Hospital** as a result of **multiple injuries** in the following circumstances:

Counsel Appearing:

Mr T Bishop assisting the Coroner.

Mr M Holgate appearing on behalf of the Commissioner of Police.

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SUPPRESSION ORDER

No publication of any discussion in relation to the Police Emergency Driving Policy & Guidelines, or operations.

INTRODUCTION

1. At approximately 8.20 pm on 17 May 2012, Sean Bruce (the deceased) was riding a motorcycle at high speed in Huntingdale. While riding along Warton Road, he failed to negotiate a roundabout and collided with a handrail and safety barrier. He sustained life-threatening injuries in the collision and died the following day at Royal Perth Hospital.
2. Shortly before the crash, the deceased had been observed by two police officers who were riding police motorcycles in the other direction. They turned around and activated their emergency lights, with the intention of intercepting the deceased. However, they were still some distance behind his motorcycle when he crashed.
3. Given the police officers were attempting to intercept the deceased at the time he crashed his motorcycle, it raised questions as to whether it could be said that the death was caused, or contributed to, by the actions of the police officers. Accordingly, pursuant to s 22(1) (b) of the *Coroners Act 1996* (WA), an inquest was required to be held.
4. I held an inquest at the Perth Coroner's Court on 16 June 2015.
5. The documentary evidence comprised two lever arch volumes of materials,¹ including reports from an officer from the Western Australian Police Major Crash Investigation Section and the Internal Affairs Unit. In addition, a report was tendered from Professor David Joyce, an expert pharmacologist,² as well as some other documentary material and some video footage taken by one of the police officers.³
6. The inquest focused primarily on what could be discerned from the evidence as to the deceased's state of

¹ Exhibits 1 – 2.

² Exhibit 4.

³ Exhibits 3, 5 and 6.

mind at the time he accelerated his motorcycle and subsequently lost control, and whether the actions of the two police officers could be said to have caused or contributed to his driving in that manner.

THE DECEASED

7. The deceased was born in Scotland and immigrated to Australia with his family when he was a child. He lived with his parents and younger sister.
8. His parents described him as an outgoing and adventurous young man. He was fearless and tried everything from bungee jumping to skydiving.
9. After leaving school at 15 years of age, the deceased started an apprenticeship as a sheet metal worker. For the next few years he was reportedly happy and healthy and doing well financially. He owned a utility and a motorbike outright and had saved approximately \$10,000.⁴
10. Then, around the time of the deceased's eighteenth birthday approximately six months before his death, things changed.⁵ At that time, the deceased, who was a regular cannabis smoker, started using crystal methylamphetamine. He quickly became addicted to it. According to his parents, the deceased's drug addiction had a dramatic impact on his personality, health and lifestyle. They describe how they slowly lost their son to drugs.⁶
11. In the space of less than six months, the deceased went from being a healthy young man learning a trade and saving for his future to a person they hardly recognised. He lost weight, was seen scratching himself and experienced mood swings. He was suspended from his apprenticeship for falling asleep at work and suspected

⁴ Exhibit 2, Tab 1 and 2.

⁵ Exhibit 1, Tab 2; Exhibit 2, Tab 12.

⁶ Exhibit 1, Tab 2, 18.

drug use. He spent his savings on drugs and began to incur a large debt.⁷

12. The deceased's parents encouraged the deceased to seek counselling, which he did for a short time in February 2012. He then stopped attending his counselling sessions and things deteriorated further. By late March 2012, the deceased's parents were aware that the deceased had a serious problem.
13. The deceased had a keen interest in motorcycles from a young age and was an experienced off-road motorcycle rider.⁸ However, he did not hold a motorcycle driver's licence to ride motorcycles on the road.⁹ He boasted to family and friends that he liked to ride motorcycles as fast as possible and there was nothing they could do to convince him otherwise.¹⁰
14. Eventually the deceased lost his utility and began driving a motorcycle around. To avoid the deceased driving the motorcycle on the road without a licence, his father loaned him a utility to drive.¹¹ The deceased was involved in a number of traffic incidents in late March and early April.¹² Following these incidents, his mother discussed sending him overseas or arranging rehabilitation, but the deceased declined.
15. On 25 April 2012, the deceased was charged with possession of crystal methamphetamine. He was only charged with possession of those drugs for his personal use, although later evidence obtained by police suggests he may have been involved in the sale or supply drugs to others around that time.¹³
16. By mid-May 2012, the deceased's family were experiencing enormous stress trying to deal with the deceased's deteriorating behaviour and were at a loss as

⁷ Exhibit 1, Tab 1, Tab 2 and Tab 14; Exhibit 2, Tab 12.

⁸ Exhibit 1, Tab 4, 13; Exhibit 2, Tab 1 and Tab 2.

⁹ Exhibit 1, Tab 4, 15.

¹⁰ Exhibit 2, Tab 2 and Tab 8.

¹¹ Exhibit 2, Tab 2.

¹² Exhibit 2, Tab 3.

¹³ Exhibit 1, Tab 4, 13 and Tab 6; Exhibit 2, Tab 3.

to how to help the deceased stop abusing drugs and engaging in reckless behaviour.¹⁴

EARLY EVENTS ON 17 MAY 2012

17. At about 5.00 pm on 17 May 2012, the deceased's father searched the ute he had loaned to the deceased and found a backpack containing a pipe for smoking crystal methamphetamine and over \$800 in cash. The deceased's parents confronted the deceased. The deceased admitting using drugs once or twice a week but denied dealing in drugs. He then left the house with the cash and the deceased's father disposed of the pipe.¹⁵
18. It appears from there the deceased went to a shed on Thomas Road in Armadale, which the deceased often went to and referred to as the 'Mud Lakes'.¹⁶ A friend of the deceased went there to visit the deceased that night. He spoke to the deceased at about 8.00 pm for approximately 20 minutes. The friend described the deceased as "not himself" and "acting weird".¹⁷ He attributed the deceased's behaviour to drugs. The deceased then said he had to go and see his girlfriend and left the shed on a black motorbike. His friend estimated this was sometime shortly after 8.00 pm. The deceased did not return.¹⁸

SIGHTING BY POLICE ON WARTON ROAD, HUNTINGDALE

19. It was not long after that the deceased was seen by two police officers driving a motorcycle on Warton Road in Huntingdale.

¹⁴ Exhibit 2, Tab 3.

¹⁵ Exhibit 2, Tab 2.

¹⁶ Exhibit 2, Tab 2 and Tab 8.

¹⁷ Exhibit 2, Tab 8.

¹⁸ Exhibit 2, Tab 8.

20. First Class Constable Wesley Elston and Constable Andrew Wood (now First Class Constable)¹⁹ were on patrol that evening riding marked police motorcycles.²⁰ They had just finished eating a meal at McDonalds and were heading in a south westerly direction on Warton Road in Huntingdale, approaching the traffic lights that controlled the intersection with Garden Street.²¹ The weather at the time was clear and there was minimal traffic on the road.²²
21. As the two police officers approached the intersection, they saw a motorcycle heading in the opposite direction on Warton Road. It attracted both of their attention.
22. Constable Elston gave evidence that he thought the way the rider was sitting crouched over the motorcycle was “weird” and looked “like he was guarding something”.²³ The motorcyclist didn’t appear to be travelling at a fast speed at that time, but Constable Elston could hear the engine revving.²⁴ As the motorcycle travelled past, Constable Elston noticed that there were no rear lights and no licence plate on the motorcycle. This, coupled with the way it was being ridden, caught Constable Elston’s attention and prompted him to activate his emergency lights and execute a u-turn at the intersection so that he could follow the motorcycle.²⁵
23. Constable Wood recalled noticing the motorcycle and observing that it had no tail lights and no licence plate.²⁶ He looked at Constable Elston to see whether his partner had activated his emergency lights, as otherwise he intended to do so. He noted that Constable Elston had activated his lights so he activated his emergency lights also and took up a position behind Constable Elston’s motorcycle to follow

¹⁹ T 27.

²⁰ I will refer to them both as Constable hereon in for convenience only.

²¹ Exhibit 1, Tab 20 [4] – [5] and Tab 21 [5] – [6]; Exhibit 3.

²² Exhibit 1, Tab 20 [6] and Tab 21 [7].

²³ T 21.

²⁴ T 21.

²⁵ T 21.

²⁶ T 28.

him and “back him up.”²⁷ Constable Wood also took the opportunity to activate a video and audio camera he had had purchased privately and attached to his motorcycle helmet.²⁸ Neither officer activated his siren.²⁹

24. As Constable Elston and Constable Wood were executing the u-turn, they heard the other motorcycle start to increase its ‘revs’ and accelerate away.³⁰ It was not clear to either officer why the motorcyclist, who we now know was the deceased, had accelerated. Constable Wood looked directly at the deceased as they passed each other heading in opposite directions and he did not see the deceased turn his head towards the police at all. However, Constable Wood acknowledged that once the police turned their emergency lights on, they would be highly visible to other motorists.³¹ Both officers, therefore, agreed it was possible the deceased saw them and reacted by accelerating, although he gave no other indication that he had seen them.³²
25. Once they had finished the u-turn the two police officers both accelerated to try to catch-up with the deceased and attempt to intercept him.³³

EVIDENCE OF THE DECEASED’S DRIVING IMMEDIATELY PRIOR TO THE CRASH

26. As well as the two police officers and the deceased, there were a couple of other motorists in the vicinity on Warton Road at that time.
27. Anthony Ranford was returning home from placing a bet at the TAB when he was overtaken by the deceased on Warton Road. Mr Ranford was driving in the left

²⁷ T 28, 31; Exhibit 1, Tab 21 [20].

²⁸ T 29; Exhibit 1, Tab 21 [23].

²⁹ T 21; Exhibit 1, Tab 21 [25].

³⁰ T 21, 26.

³¹ T 32.

³² T 26, 32.

³³ T 22 – 23.

lane at approximately 60 km/hr (the posted speed limit)³⁴ at the time and conservatively estimated the deceased was travelling at approximately twice this speed (so over 120 km/hr) when he passed him in the right hand lane.³⁵ Mr Ranford noted that the deceased was hunched over the tank and handlebars in what he described as ‘racing style’ and that there was no rear tail light or number plate light visible on the motorcycle.³⁶

28. Interestingly, Mr Ranford did not observe the police officers who were driving behind him at that time.³⁷ Instead, not knowing the police officers were approaching, Mr Ranford thought to himself, “Where are the police when you need them?”³⁸
29. Mr Ranford saw the deceased’s brake light come on for a few seconds as the motorcycle moved lanes into the left lane in front of him. As Mr Ranford turned left into Timbercrest Road, he wondered to himself whether the deceased was aware of the approaching roundabout at the intersection with Forest Lakes Drive/Huntingdale Road, as he was concerned that the motorcycle was travelling too fast to safely negotiate the roundabout.³⁹ Sadly, Mr Ranford’s concerns proved to be well-founded. Mr Ranford did not, however, witness the crash and only became aware that the deceased had crashed at the roundabout later.⁴⁰
30. Around the same time, another local, Kevin Aquilina, turned right onto Warton Road from Bronzewing Street. Mr Aquilina would appear to have been driving slightly ahead of Mr Ranford in the right hand lane. Mr Aquilina was also overtaken by the deceased, who overtook him in the left hand lane.⁴¹ It seems it was

³⁴ Exhibit 1, Tab 45, 4.

³⁵ Exhibit 1, Tab 17.

³⁶ Exhibit 1, Tab 17.

³⁷ Exhibit 1, Tab 17 [24] – [25].

³⁸ T 13; Exhibit 1, Tab 17.

³⁹ Exhibit 1, Tab 17.

⁴⁰ Exhibit 1, Tab 17.

⁴¹ Exhibit 1, Tab 16.

this manoeuvre that Mr Ranford saw when the deceased changed lanes and braked ahead of him.

31. Mr Aquilina described the motorcycle as travelling at a “rapid rate” as it passed him, with the engine “ringing flat out”.⁴² Mr Aquilina gave evidence that he has some experience with motorsports and is not unfamiliar with high speeds. However, he had never seen a motorcycle travel this fast on a road before. He described the speed as it passed as “frighteningly fast” and estimated it was travelling at 190 kilometres per hour at a minimum.⁴³ The manner of driving was such that Mr Aquilina felt anger at the fact that the driver “was clearly risking lives, other than his own” and he was concerned at how it would end.⁴⁴

32. A couple of seconds after the motorcycle overtook him, Mr Aquilina suddenly saw the tail light of the motorcycle activate and dance across the road in front of him before it disappeared.⁴⁵ Mr Aquilina wasn’t certain whether the motorcycle was still upright, so he approached the oncoming roundabout cautiously in anticipation that he might be about to view the scene of an accident. As he reached the roundabout, Mr Aquilina moved into the left hand lane and saw the motorcycle lying on the road in the centre of the lane in front of the roundabout. He couldn’t see the deceased at that stage, but it was clear that he had become separated from the motorcycle.⁴⁶

33. Mr Aquilina slowly turned left onto Forest Lakes Drive and pulled into a bus stop bay. As he checked his rear vision mirror, he saw blue flashing lights in the roundabout and noticed two police motorcycles stationary with their lights going but without their riders. This was the first time Mr Aquilina was aware that there were any police officers in the vicinity.⁴⁷

⁴² T 15.

⁴³ T 19; Exhibit 1, Tab 16 [11].

⁴⁴ T 15.

⁴⁵ T 15; Exhibit 1, Tab 16 [15].

⁴⁶ T 15.

⁴⁷ T 16 - 18.

34. At that time, Mr Aquilina was due to collect his son who was waiting nearby, so Mr Aquilina left the scene and collected his son. Mr Aquilina then returned to the scene and spoke to police officers in attendance about what he had witnessed.⁴⁸
35. Michael Biss lives near the roundabout on Warton Road. That evening he was in his backyard chopping wood when he heard the sound of a motorcycle “screaming down Warton Road.”⁴⁹ He then heard the motor suddenly cut out and a long hissing noise, which he assumed was the brakes of the motorcycle’s back wheel, before two loud bangs. Mr Biss realised that the motorcycle had crashed so he ran out to Warton Road to see if he could help.⁵⁰
36. It took Mr Biss a couple of minutes to reach the scene and when he got there he was surprised to see two police motorcycles already in attendance.⁵¹ He saw that the police officers were busy assisting the deceased and using the police radio, so he assisted by directing traffic away from the deceased and the police officers until more police officers arrived and relieved him.⁵²

POLICE ACTIONS

37. As noted above, none of the civilian witnesses saw Constable Elston and Constable Wood that night until after the crash. That gives some indication of the limited success of their attempt to intercept the deceased.
38. Constable Elston gave evidence that when he began driving up Warton Road towards the deceased he looked into the distance and could see some tail lights up the road but was unable to distinguish the motorcycle very easily, other than to make out a dark shape in the

⁴⁸ T 16.

⁴⁹ T 19.

⁵⁰ T 19.

⁵¹ T 19.

⁵² T 19.

distance.⁵³ He could, however, hear the motorcycle accelerating.⁵⁴ Constable Elston accelerated to 140 km/hr and maintained that speed but couldn't see the motorcycle anymore, so he decided to downgrade. He reduced his speed and turned off his emergency lights.⁵⁵ He was aware that Constable Wood was behind him at that time.⁵⁶

39. Immediately after turning off his lights, Constable Elston saw in the distance a brake light dance across the road between some cars, indicating it was braking quite fast.⁵⁷ Constable Elston was concerned that the braking appeared erratic and he was aware that there was a roundabout ahead.⁵⁸ This prompted Constable Elston to reactivate his emergency lights and he accelerated back up to 140 km/hr to attempt an intercept or at least ascertain what was happening ahead.⁵⁹

40. As he approached the roundabout, Constable Elston noticed a cloud of dust and then the motorcycle lying in the centre of the two lanes that go around the roundabout. He stopped his motorcycle and tried to locate the motorcycle rider. Some way further up Warton Road from the intersection, approximately 30 metres ahead,⁶⁰ he saw a dark mass on the road. Constable Elston ran towards it and realised it was the rider (the deceased), who had lost his helmet and was in a very bad way. In particular, Constable Elston observed that he had severed his right leg and was bleeding heavily.⁶¹

41. Constable Elston quickly took off his police uniform belt and used it as a make-shift tourniquet to prevent further blood loss.⁶² He also attempted to ensure the

⁵³ T 21.

⁵⁴ T 22.

⁵⁵ T 24.

⁵⁶ T 21.

⁵⁷ T 21.

⁵⁸ T 24.

⁵⁹ T 21, 24.

⁶⁰ Exhibit 1, Tab 20 [35].

⁶¹ T 22; Exhibit 1, Tab 20 [37].

⁶² T 22; Exhibit 1, Tab 20 [38].

deceased's airways were clear and instructed Constable Wood to call for help as quickly as possible. Constable Wood ran to his motorcycle and used the police radio to contact the Police Operations Centre (also known as VKI)⁶³ and ask for priority ambulance assistance before returning to assist Constable Elston with first aid until the paramedics arrived.

42. Other police officers also attended the scene to assist at the scene and to commence an investigation into the incident.
43. The deceased was taken by ambulance to Royal Perth Hospital where, despite emergency surgery, he died as a result of his injuries on 18 May 2012.⁶⁴

POST MORTEM EXAMINATION

44. On 23 May 2012, a forensic pathologist, Dr D. Moss, conducted a post mortem examination on the deceased.
45. The post mortem examination found no evidence of significant natural disease. The examination revealed injuries to the deceased's face and head and traumatic amputation of the right leg. The deceased's brain underwent neuropathological examination by a neuropathologist, Dr V. Fabian, which confirmed traumatic brain injury.⁶⁵
46. Toxicology analysis showed no evidence of alcohol. However, methylamphetamine was present at 0.1 mg/L, which is within quoted "normal recreational use" ranges. Tetrahydrocannabinol was also present. Some prescription medications were detected, which were likely to be related to medical treatment after the crash.⁶⁶

⁶³ T 7.

⁶⁴ Exhibit 1, Tab 4, 4 and Exhibit 2, Tab 1.

⁶⁵ Exhibit 1, Tab 14.

⁶⁶ Exhibit 1, Tab 9 and Tab 14.

47. At the conclusion of all investigations, Dr Moss found the cause of death to be multiple injuries.⁶⁷ I accept and adopt the conclusion of Dr Moss as to the cause of death.

POLICE INVESTIGATION OF THE CRASH

Major Crash Investigation

48. Police officers from the Major Crash Investigation Section conducted an investigation into the circumstances leading up to, and mechanics of, the crash. This included examination of the crash scene and of the motorcycle involved.⁶⁸
49. Police enquiries established that the motorcycle being driven by the deceased was stolen from a garage in Aubin Grove sometime between 12 and 16 April 2012, while the owner was overseas. This was approximately one month before the crash. Prior to it being stolen, the motorcycle had a vehicle registration plate and hardwired rear lights fitted, which would appear to have been removed sometime after it was stolen, as they were not present at the time of the crash.⁶⁹
50. It is unclear exactly how the deceased came to be in possession of the stolen motorcycle, although police intelligence obtained after the deceased's death suggested that he had been conspiring with an acquaintance to steal a motorcycle prior to his death.⁷⁰ The deceased's parents also indicated that the deceased's friend had been lending him motorcycles to ride on occasion.⁷¹
51. However he came to be in possession of the motorcycle that day, what is known is that it was a black and silver Yamaha R6 motorcycle in good condition and capable of

⁶⁷ Exhibit 1, Tab 14.

⁶⁸ Exhibit 1, Tab 4.

⁶⁹ Exhibit 1, Tab 4, 6 and Tab 15; Exhibit 2, Tab 18.

⁷⁰ Exhibit 1, Tab 4, 13 and Tab 6.

⁷¹ Exhibit 2, Tab 2, 14 – 15.

reaching very high speeds very quickly.⁷² When it was examined by vehicle investigators on behalf of the police after the crash, they observed that it had been extensively damaged in the crash. The damaged tachometer needle was stuck at 11,500 rpm, which suggests the engine was revving at high speed when it crashed.⁷³ Also, the rear tyre of the motorcycle was found to be below a serviceable tread depth. The Major Crash investigator, Senior Constable David Magorian, concluded the tyre damage was consistent with 'locked wheel' skidding damage occurring during the crash, rather than from general wear.⁷⁴ Therefore, there was nothing to suggest that a fault in the motorcycle contributed to the crash.⁷⁵

52. There was also no evidence to suggest that the condition of the road or the weather conditions contributed to the crash.⁷⁶
53. The evidence of the civilian witnesses and Constables Elston and Wood, as well as the footage from Constable Wood's helmet camera, supports the conclusion that no other person or vehicle was involved in the crash, in the sense of being directly involved in the impact.⁷⁷
54. The physical evidence at the scene was used to attempt to calculate the speed of the motorcycle at the time immediately prior to the crash. Senior Constable Magorian calculated that at the commencement of the skid marks in the left lane of Warton Road, the motorcycle was travelling at a speed of at least between 90 and 134 km/hr. This does not allow for any speed loss from impact, so the actual speed was likely to have been higher than that range.⁷⁸

⁷² Exhibit 1, Tab 15 [9].

⁷³ Exhibit 1, Tab 4, 17 and

⁷⁴ Exhibit 1, Tab 45, 5 – 6 and Tab 46.

⁷⁵ Exhibit 1, Tab 4, 18.

⁷⁶ Exhibit 1, Tab 4, 18.

⁷⁷ Exhibit 1, Tab 4.

⁷⁸ Exhibit 1, Tab 4, 5 and Tab 45, 15.

55. The other conclusions that can be drawn from the physical evidence at the scene are that, while travelling at an excessive speed, the deceased braked heavily, most likely to try to negotiate the approaching roundabout, and lost control of the motorcycle. The deceased struck a steel pedestrian handrail affixed to the verge on the left hand side of Warton Road, just before the roundabout. He struck the handrail with his right leg while still astride the motorcycle, severing part of his leg, and then continued moving forward on the motorcycle until he hit an Armco railing barrier. The deceased and the motorcycle became separated and the motorcycle came to rest adjacent to the barrier in the left hand lane while the deceased carried on approximately 21 metres further up Warton Road before he too came to rest in the left lane.⁷⁹
56. The total distance from the commencement of the initial tyre skid mark to the final resting place of the deceased was 149 metres. During the crash, the deceased's helmet came off his head, possibly due to the force of the impact.⁸⁰
57. A search of the deceased's belongings after the crash found \$1222 in cash but nothing else of note.⁸¹ In particular, no drugs were found on his person.

Internal Affairs Investigation

58. An investigation was also conducted by senior officers from the Internal Affairs Unit into the circumstances of the crash and the conduct of Constables Wood and Elston. Superintendent Allan Adams advised that at the conclusion of the investigation it could not be established whether the deceased was aware the police were endeavouring to intercept him for deficiencies on the motorcycle, although it could not be discounted as a possibility.⁸²

⁷⁹ Exhibit 1, Tab 4 and Tab 45.

⁸⁰ Exhibit 1, Tab 4, 15.

⁸¹ Exhibit 1, Tab 28 [26].

⁸² Exhibit 2, Tab 1.

59. The decision to attempt to intercept the motorcycle was considered by the IAU investigators to be lawful and reasonable. The IAU investigation found the two police officers were a considerable distance from the motorcycle during the attempted intercept at all times. Given Constable Wood and Constable Elston were also unaware as to whether the deceased had seen them, it never escalated to a pursuit status.⁸³
60. Constable Wood was deemed by the IAU investigators to have briefly breached a WA Police driving policy by exceeding the authorised speed and he was dealt with internally in relation to that matter. However, the breach of policy was not considered to have contributed in any way to the crash.⁸⁴

REASON FOR THE DECEASED'S MANNER OF DRIVING

61. The question then arises as to why the deceased was driving in such an inherently dangerous manner at the time he lost control of the motorcycle. A few possibilities are raised by the evidence.
62. One possibility is that the deceased was attempting to evade Constables Elston and Wood. He did not hold the appropriate driver's licence for the class of vehicle he was driving at the time and the motorcycle he was riding was stolen, which it would seem more probable than not that he was aware of given it had no licence plate affixed. He was at that time already on bail for another criminal offence, so being charged with other offences might have put his bail at risk.
63. Also relevant to this issue is the evidence of Professor David Joyce, a physician and expert on clinical pharmacology and toxicology. A report by Professor Joyce was tendered as part of the brief of

⁸³ T 9 - 10; Exhibit 2, Tab 1.

⁸⁴ T 8.

evidence.⁸⁵ The report provides some information about the levels at which particular illicit drugs can impair the ability to drive. Relevant to this case, Dr Joyce indicates in his report that any measurable amount of methylamphetamine may be associated with impairment of driving ability.⁸⁶ Dr Joyce also notes that where there is more than one drug, such as in this case, where there was also tetrahydrocannabinol present, the interactions between the drugs may cause impairment at low concentrations.⁸⁷

64. An additional report from Professor Joyce was also tendered separately to the brief of evidence which specifically addresses methylamphetamine intoxication and its link to high speed pursuits.⁸⁸ Professor Joyce indicates in his report that it is well-recognised that methylamphetamine users are at particular risk of involvement in high speed pursuits. The data collected in Western Australia suggests there is a substantial risk of flight among methylamphetamine users who attract police attention because of their driving, particularly if they have also used cannabis, as was the case with the deceased.⁸⁹ The reasons for this relate to the clinical nature of intoxication with methylamphetamine, which can lead to suspiciousness, a propensity to violence, impetuosity, risk-taking and suicide, as well as fatigue and inattention as the intoxication gives way.⁹⁰
65. Professor Joyce makes some observations in his report in relation to the elements that may influence a decision to undertake and continue high-speed limit that would appear to possibly have application in this case given the known facts. These include:
- a good reason to avoid apprehension, such as no licence, awareness of intoxication and previous criminality;

⁸⁵ Exhibit 1, Tab 10.

⁸⁶ Exhibit 1, Tab 10.

⁸⁷ Exhibit 1, Tab 10.

⁸⁸ Exhibit 4.

⁸⁹ Exhibit 4, 1 – 2.

⁹⁰ Exhibit 4, 3.

- paranoid beliefs about the pursuing vehicle, police, etc;
 - impetuosity and preparedness to take dangerous risks;
 - an indifference to personal safety that merges into suicidality; and
 - indifference to the safety of others.
66. Although there was no direct evidence that the deceased saw the two police officers, they acknowledged that with their lights on, they would have been highly visible. Therefore, if the deceased did see the two police officers execute a u-turn and activate their emergency lights, the above elements may have impacted on his decision to accelerate heavily and speed away from the two police officers.
67. Having said that, it is relevant that none of the other witnesses driving on that portion of road at that time were aware of the presence of the two police motorcycles approaching until after the crash, despite their emergency lights being activated. The evidence also showed that Constable Wood and Constable Elston remained some distance behind the deceased throughout.
68. There is also the evidence from the deceased's family and friends that the deceased liked riding motorcycles "as fast as possible"⁹¹ despite the associated danger and had even said to a friend somewhat presciently, "It's the way I want to go."⁹²
69. This evidence considered together raises the possibility that the deceased accelerated simply because he wanted to ride the motorcycle fast because he enjoyed it, without any knowledge that the police were following him.
70. Relevant to both these possible scenarios is the evidence of Professor Joyce as to how the deceased's

⁹¹ Exhibit 2, Tab 2, 17.

⁹² Exhibit 2, Tab 8.

methylamphetamine and cannabis use were likely to have affected his ability to drive the motorcycle. I accept that the evidence of Professor Joyce, read with the results of the toxicology reports, points to the deceased having an impaired ability to drive and make good decisions at the time he was seen to accelerate on Warton Road.

71. If he saw the two police officers turn around to follow him, the effects of the drugs would have made him more likely to decide to engage in a high speed pursuit to try to evade them.
72. If he did not see the two police officers, the effects of the drugs still made him more likely to take unnecessary risks, such as driving the motorcycle at an excessively high speed just for fun.

MANNER OF DEATH

73. The evidence before me supports the conclusion that the deceased had developed a serious drug addiction that was affecting his judgment and ability to make good decisions in his life generally.
74. On the evening of the crash, he was intoxicated by a combination of methylamphetamine and cannabis when he chose, either because of the police presence or not, to accelerate heavily and drive at approximately twice the speed limit on a residential road. The people he drove past at that time were rightly concerned for both his safety and their own, and their concerns were shown to be justified when he lost control of the motorcycle shortly afterwards and sustained fatal injuries in the subsequent crash.
75. Although one can say that he was deliberately risking his life at the time he drove in this manner, the evidence in this case does not support the conclusion that he was actively suicidal at the time. Rather, the effects of the drugs on his system made him impetuous and

prepared to take dangerous risks, indifferent to his own personal safety.

76. I find that the death occurred by way of accident.

COMMENTS ON THE ACTIONS OF THE POLICE OFFICERS

77. I was required to hold an inquest into this death to consider whether the conduct of the police officers could be said to have caused or contributed to the death.

78. There is no evidence that the conduct of the police officers directly caused or contributed to the death.

79. There is a possibility that the conduct of the two police officers indirectly contributed to the death, in the sense that their presence and attempt to intercept the deceased may have prompted him to accelerate and drive the motorcycle at an excessive speed, which appears to be the primary reason why he lost control of the motorcycle and crashed.

80. However, even if this was the case (depending on whether the deceased was aware of the police presence) I find that the conduct of Constable Wood and Constable Elston in attempting to intercept the deceased was reasonable and appropriate. It was important from a law enforcement perspective to ascertain initially why the motorcycle was being driven without a licence plate affixed and with no taillights, and then shortly afterwards at excessively high speed.

81. The police officers were conscious of the need to be alert to their own safety and the safety of other road users at the time they were attempting to intercept the deceased.⁹³ This is borne out by the brief decision of Constable Elston to downgrade and turn off his lights before he saw the deceased's brake lights in the

⁹³ T 27, 31.

distance and accelerated again to try to work out what was going on ahead.⁹⁴ This must have been around the time the deceased lost control of his motorcycle as they arrived at the crash scene very shortly afterwards.

CONCLUSION

82. If the blame can be laid anywhere for the deceased's death, it would appear to lie in the drugs he had in his system at the time he crashed. In a matter of months his methylamphetamine addiction ruined his life and ultimately led to his death.
83. The deceased's decline is set out chronologically in a diary written by his father. It is a tragic, but sadly not unfamiliar, account of the destruction of a young life by crystal methylamphetamine. The deceased's father wrote the account as he watched his son's life fall apart,⁹⁵ in the hope that there would be a time when he could intervene and get his son to see sense.⁹⁶ Sadly, that opportunity never came.
84. The deceased's parents' worst fears were realised when the deceased lost control of a stolen motorcycle he was riding at excessive speed while affected by illicit drugs. It was a shocking, and entirely preventable, death. It can only be hoped that other young people in the community take heed of what happened to this young man and make the choice to stay away from methylamphetamine and the pain it inevitably brings to users and their families.

S H Linton
Coroner
16 September 2015

⁹⁴ T 24.

⁹⁵ Exhibit 2, Tab 3.

⁹⁶ Exhibit 2, Tab 2, 6.