



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Damian John Lawton**

TITLE OF COURT: Coroners Court

JURISDICTION: Maryborough

FILE NO(s): 2020/2261

DELIVERED ON: 2 November 2022

DELIVERED AT: Maryborough

HEARING DATE(s): 1-2 November 2022

FINDINGS OF: Terry Ryan, State Coroner

CATCHWORDS: Coroners: inquest, death in police operations, motorcycle crash, attempted interception, pursuit policy.

REPRESENTATION:

Counsel Assisting: Ms Sarah Lio-Willie

Commissioner of Police: Mr Mark O'Brien, QPS Legal Unit

Senior Constable Parker: Mr Troy Schmidt, instructed by Gilshenan and Luton

Contents

Introduction	1
The inquest	1
The evidence	2
Autopsy results	7
Investigation findings	8
Conclusions	10
Findings required by s45.....	10
Identity of the deceased.....	10
How he died.....	10
Place of death.....	10
Date of death	10
Cause of death	10
Comments and recommendations	10

Introduction

1. Damian John Lawton was 26 years old at the time of his death in a motorcycle crash on 30 May 2020.
2. In the lead up to his death, the Maryborough Road Policing Unit (RPU) had received a number of complaints about cars and motorcycles 'hooning' through residential streets, particularly near Aldridge High School. As a result, the RPU conducted covert and overt patrols in the area.
3. During a patrol in relation to a nuisance motorcycle rider riding an unregistered motorcycle, Mr Lawton was seen riding down Bryant Street on his motorcycle by Senior Constable Parker. SC Parker carried out a U-turn on his police motorcycle and followed him with lights and sirens activated. Mr Lawton did not stop. It is unclear whether Mr Lawton knew he was being intercepted or intentionally evaded police.
4. Mr Lawton continued riding well in excess of the speed limit. He rode through a Stop sign at an intersection and collided with a vehicle travelling through the intersection. He died at the scene of the crash, approximately one minute after he was first seen by SC Parker.

The inquest

5. Mr Lawton's death was reported to the coroner as a death that happened in the course of or as a result of police operations. It was also a violent and unnatural death. An inquest was required by s 27(1)(a)(iii) of the *Coroners Act 2003*, unless I was satisfied the circumstances of the death did not require an inquest.
6. I considered that that the issue of police intercepting or pursuing vehicles at high speed through suburban streets was an issue of public safety and it was in the public interest to hold an inquest.
7. The primary purpose of an inquest is to inform the family and the public about the matters required by s 45 of the *Coroners Act 2003*, including when, where and how the person died and what caused the death. A coroner may also comment on ways to prevent deaths from happening in similar circumstances in the future.
8. A coroner is not able to include in the findings or any comments or recommendations any statement that a person is, or may be, guilty of an offence or civilly liable. Where a coroner suspects that a criminal offence has been committed, they can make a referral to the Director of Public Prosecutions or relevant prosecuting authority.
9. Information about a person's conduct in a profession can be given to the disciplinary body for that profession if the coroner believes the information might cause the body to inquire into or take steps in relation to the conduct.

10. The following issues were investigated at the inquest, which was held at Maryborough from 1-2 November 2022:
 - i. The findings required by s45(2) *Coroners Act 2003*;
 - ii. The adequacy and appropriateness of the decision and actions of Senior Constable Parker to follow Damian Lawton, including but not limited to, whether such actions were contrary to the interests of community safety;
 - iii. The adequacy of the QPS investigation into the circumstances surrounding Damian Lawton's death;
 - iv. Further actions, if any, which could be undertaken to prevent a similar incident from occurring again.

The evidence

Personal history

11. Mr Lawton's parents had separated when he was a child and he lived with his mother. He grew up in the Redcliffe area but moved to Maryborough to live with his father, Ronald, about three months before his death. He had moved to establish a more stable life and leave behind negative influences. Mr Lawton is survived by his young daughter and his parents. His father described him as a 'lovable kid' with lots of friends and he is clearly missed by those who were close to him. I extend my condolences to Mr Lawton's family and friends.
12. Mr Lawton had a Queensland criminal history that consisted primarily of drug and *Bail Act* offences.¹ On 16 August 2018, Mr Lawton was sentenced in the Supreme Court for trafficking in dangerous drugs to a term of imprisonment for 3 years and 6 months, wholly suspended for a period of 4 years.
13. On 19 June 2019, Mr Lawton was sentenced for failing to appear in accordance with a bail undertaking and was sentenced to two months imprisonment, with a parole release date on 10 July 2019.
14. Mr Lawton had a five page traffic history for offences including exceeding the speed limit, failure to display plates, driving when licence suspended, unlicensed driving, and driving on restrictions. On 13 August 2019, he was disqualified from driving for 2 years. His last entry on his traffic history was on 20 March 2020 for speeding, for which he was fined.
15. On 30 May 2020, Mr Lawton and his partner, Rayleigh Burke, planned to spend the day fishing with Ms Burke's infant son. Ms Burke drove Mr Lawton to his father's house to collect some crab pots to take with them. On the way there, Mr Lawton and Ms Burke had an argument. When they reached Mr Lawton's father's house, Ms Burke dropped him off and told him she was going home to have a nap.²

¹ Ex D2

² Ex B19, E9

16. Mr Lawton's father described him as arriving home agitated. He told his father he had argued with Ms Burke. He took his motorcycle helmet and rode off. Ronald believed that his son took the motorcycle out to 'blow off steam'.³
17. Both Ronald Lawton and Rayleigh Burke told police that they believed Mr Lawton would have been riding to evade police when he died because he faced pending traffic offences and was worried about going to prison. While he had not expressly told either of them that he would evade police if he was in that situation, they knew he would do anything to avoid returning to prison.

Events leading to the death

18. The Maryborough Road Policing Unit had been tasked to investigate complaints of vehicles, particularly motorcycles, hooning along the streets of Boys Avenue and Bryant Street near Aldridge High School.
19. On Saturday, 30 May 2020, Senior Constable Parker was working an 8:00am – 4:00pm shift, and conducting routine patrols of the area in relation to this task.⁴
20. Around 12.55pm, SC Parker parked on a walkway off Bryant Street where he heard the sound of a loud motorcycle in the direction of Boys Avenue. The motorcycle then went quiet for about 10 to 15 seconds and SC Parker thought the motorcycle may have turned to head in the opposite direction. He started his police motorcycle and rode up Bryant St, in the direction of Boys Avenue.⁵
21. As SC Parker rode adjacent to the grounds of Aldridge State High School, Mr Lawton rode in the opposite direction down Bryant St, revving at a high rate.⁶ The events that followed were captured on SC Parker's body worn camera (BWC).
22. As Mr Lawton and SC Parker rode down Bryant St, they passed Anthony Newman, who was driving a white Holden Barina towards the Woodstock Street roundabout. Mr Newman was driving the vehicle that Mr Lawton struck at the intersection of Woodstock Street and Neptune Street.
23. The BWC footage indicates that it was about 56 seconds from when SC Parker performed the U-turn to the time Mr Lawton collided with the Barina on Woodstock Street. The total distance travelled was approximately 1.3km.
24. The BWC footage shows SC Parker performed a U-turn, activated lights and sirens and then followed Mr Lawton. As SC Parker reached a top speed of 152 km/hr on Bryant St, it can be inferred that Mr Lawton was riding at that speed or faster given the distance between him and SC Parker.
25. After Mr Lawton turned right into Vista St, SC Parker was about one second behind by the time he reached the corner. On SC Parker's evidence this was the closest he got to Mr Lawton, who raced away at speed along Vista Street.

³ Ex B13, E10

⁴ Job 2026 – Nuisance motorcycle rider riding unregistered motorcycle

⁵ Ex E11, B15, P7-L205, P11-L340

⁶ Ex E11, B15, P13-L400. SC Parker described Mr Lawton as "flying"

26. SC Parker slowed down to 37km/hr before the intersection of Vista Street with Panorama Drive before accelerating again to follow Mr Lawton, reaching a speed of 92 km/hr.
27. Mr Lawton then turned left onto Shumack Drive. Five seconds later SC Parker also turned left onto Shumack Drive. At that same time, Mr Lawton turned right onto Neptune Street. SC Parker reached that same intersection seven seconds later and reached a top speed of 91km/hr on Neptune Street.
28. A further seven seconds later, Mr Lawton rode through the Stop sign at the intersection with Woodstock Street. SC Parker rode towards the shoulder of the road prior to the point at which Mr Lawton collided with Mr Newman driving the Barina. It was at that time that SC Parker was audibly shocked by the collision and slowed down and turned off the sirens. He then rode up to the scene.
29. Michael Adam was riding his motorcycle with a pillion passenger and waited at the opposite side of the intersection of Neptune Street and Woodstock Street at the time of the collision. As SC Parker reached the scene, he got off his motorcycle and dropped it. Mr Adam travelled through the intersection, parked his motorcycle and then ran to assist SC Parker lift his bike and put it on its kickstand.
30. Many nearby residents came out onto the street. One resident retrieved a bedsheet from their home to cover Mr Lawton. Some residents assisted Mr Newman and others assisted SC Parker in managing and directing traffic.
31. The Queensland Ambulance Service was on scene within two minutes of being dispatched.⁷ Mr Newman was obviously shaken but was alert and able to mobilise to the ambulance. He complained of minimal pain to his left hand and knee from the impact. He denied striking his head and losing consciousness and refused paracetamol at the scene. Mr Newman was transported to Maryborough Hospital for further examination.⁸
32. The paramedics observed that Mr Lawton was obviously deceased.⁹
33. SC Parker was in shock. He told paramedics that he was “not ok”, and was also transported to the hospital for treatment.
34. SC Parker participated in a drive around interview with ESC investigators on 31 May 2020. He told investigators that he did not engage in pursuits and all he wants to do is establish an evade offence. After he has determined that someone has evaded him, he ceases following them.¹⁰
35. When SC Parker completed the U-turn on his motorcycle and started to follow Mr Lawton, Mr Lawton was near the roundabout. SC Parker estimated he was about 100 – 140 metres behind him.¹¹ He was unable to identify the make and model of the motorcycle because “it was just too far off”.¹²

⁷ Ex C5 – eARF 502475921

⁸ Ex C6 – eARF 502457705

⁹ Ex E2

¹⁰ Ex E11, B15, P1-L340

¹¹ Ex E11, B15, P21-L675

¹² Ex E11, B15, P14-L460

36. When asked why he went after Mr Lawton, SC Parker said
- “it was more than just an exceed the speed limit it would have also been a dangerous operation... that he would have been so far in excess of the speed limit, it would have been dangerous for anyone on the side of the road if he’d lost control of the vehicle or if a child would have run out”.*¹³
37. SC Parker remarked that when Mr Lawton turned into Vista Street
- “all I know is that I wasn’t able to see, I could still, there was like a brown area on the back of the bike that may have been a numberplate, but I couldn’t read any detail.”*¹⁴ *“He did a shoulder check as he turned right on Neptune down here. So his riding didn’t change all the way through to here and I can remember him doing a shoulder check down here. As far as I’m aware that is probably the first time he’s looked back, and he’s seen me.”*¹⁵
38. At this point SC Parker determined that Mr Lawton had seen him and that constituted an evade offence. SC Parker said as he turned onto Neptune Street on the police motorcycle he was slowing down and pulling over.
39. Throughout the interview with ESC investigators, SC Parker maintained it was not a pursuit, but an attempted intercept.
40. SC Parker said the name Damian Lawton did not “ring any bells”. However, a Q-Prime audit revealed he had accessed records relating to Mr Lawton on 27 April 2020. He told the inquest that he had no recollection of the relevant notes.
41. Advanced Care Paramedic (ACP) Creighton-Jay was in the first ambulance to arrive at the scene. She was advised by an off-duty firefighter that SC Parker needed medical assistance. She spoke to him and learned that he had witnessed the collision. ACP Creighton-Jay’s initial conversation with SC Parker in the middle of in intersection was captured on his BWC:¹⁶
- He said he could not sit in the ambulance until other officers arrived to take control of the scene and traffic management, and said that “I’ve got a bit of shock setting in”
 - “He never even slowed down for the Stop sign”
 - “I lit him up, I was just pulling over down there when he’s just gone straight.”
 - “I was just pulling over when he’s come down straight through the Stop sign”
42. Sergeant Churchward, the OIC of Maryborough Road Policing Unit, was on a rostered day off (RDO) on the day of the incident. He was notified by the OIC of the Howard Police Station that SC Parker was involved in an evade which resulted in the death of a person. Sergeant Churchward called SC Parker to check on his welfare. SC Parker “said that he was attempting to intercept a motorbike rider. He went around a few different corners. He said he was in the process of pulling over when the rider ran a Stop sign and collided with a car”.

¹³ Ex E11, B15, P24-L770

¹⁴ Ex E11, B15, P30-L65

¹⁵ Ex E11, B15, P45-L1505

¹⁶ Ex E18 – BWC of SC Parker

43. Sergeant Churchward asked SC Parker if he did everything in compliance with policy and he replied that he believed he did, he thought he was about 300 metres away from Mr Lawton.¹⁷

Relevant QPS policies

44. The Queensland Police Service's Safe Driving Policy is contained in Chapter 15 of the Operational Procedures Manual (OPM). The policy notes:

Officers in the course of their duty have a responsibility to drive with due care and attention without exposing members of the public or themselves to unjustifiable risk. A primary role of the Service is to protect the safety of the public. Driving vehicles in a manner causing unjustified risk is against this primary role.

45. Section 15.3.1 'Urgent Duty Driving' provides policy for police officers to engage in urgent duty driving when intercepting or attempting to intercept a vehicle. This includes driving in a manner that, if not justified, would ordinarily constitute an offence.
46. OPM s 15.4.1 provides that "In all instances, officers are entitled, where lawful, to intercept a vehicle". Section 60 of the *Police Powers and Responsibilities Act 2000* provides that a police officer may require the person in control of a vehicle to stop the vehicle for a prescribed purpose, including for enforcing a Transport Act and to check whether the vehicle complies with a Transport Act.
47. OPM s 15.4.2 provides that officers intending to intercept motor vehicles should ensure that they do not unnecessarily expose themselves or any other persons, to danger; and appropriate safety precautions are taken. Before giving a direction to the driver of another vehicle to stop officers are required to consider the reason for the interception, and what action can be taken if the driver of the vehicle refuses to stop, including whether a pursuit would be justified.
48. OPM s 15.4.3(viii) sets out options if 'the vehicle fails to stop as soon as reasonably practicable, and the officer believes on reasonable grounds the driver of the subject vehicle is intentionally attempting to evade police'. These are, if appropriate, commence a pursuit in accordance with s. 15.5, or abandon the attempted interception and comply with s. 15.4.4.
49. An attempted intercept must be abandoned if a pursuit is not justified. In such cases the officer must turn off the flashing lights and siren, pull over and stop the police vehicle at the first available safe position and provide details to the local police communications centre.

¹⁷ Ex E15, B11

50. The OPM at section 15.5 provides:

Definition:

*A **pursuit** exists when an officer driving a police vehicle continues to follow another vehicle after:*

- (i) an officer in a police vehicle gives a direction to the driver of another vehicle to stop and the vehicle fails to stop as soon as reasonably practicable; and*
- (ii) the officer believes on reasonable grounds that the vehicle driver is attempting to evade police.*

A pursuit is to be abandoned immediately if it:

- (i) is a non-pursuable matter; or*
- (ii) creates an unjustifiable risk to the safety of any person.*

51. As noted in the Findings of the inquest into the death of Paul Michael Low, the reference to believes on reasonable grounds means the question is not determined by the subjective views of the pursuing officer. As with most aspects of law enforcement, officers must align their conduct with what a reasonable officer would do or believe in the circumstances.

Autopsy results

52. On 4 June 2020, Forensic Pathologist, Dr Phillips, conducted an autopsy consisting of an external examination of the body, toxicology and CT scans.
53. The external examination showed blunt force trauma, most prominent on the right side of the body. CT scans showed multiple rib fractures and severe long bone fractures, pneumocephalus and intracranial subarachnoid haemorrhage, and a deformity of the anterior neck.
54. The toxicology results showed:
- Non-toxic levels of the benzodiazepines and benzodiazepine metabolites diazepam, nordiazepam, oxazepam, and temazepam in the blood;
 - Non-toxic levels of oxycodone (opioid), paracetamol (analgesic) and quetiapine (antipsychotic) in the blood;
 - Delta-9-tetrahydrocannabinol, the active constituent in cannabis, in the blood indicative of recent use.
55. Dr Phillips concluded that the cause of death was multiple injuries, due to, motorcycle collision (driver).

Investigation findings

Forensic Crash Unit Investigation

*Vehicle inspection*¹⁸

56. The motorcycle ridden by Mr Lawton was a Suzuki GSX750, which was unregistered. The vehicle driven by Mr Newman was a white Holden Barina hatch.
57. The QPS Vehicle Inspection Officer McDonald inspected the motorcycle and the Barina on 1 July 2020. Mr McDonald's inspection of the Barina determined that it was in satisfactory mechanical condition and no mechanical defects were found which could have contributed to the cause of the collision.
58. The motorcycle had sustained such extensive damage that Mr McDonald was unable to make a determination of the overall mechanical condition of this vehicle. Mr McDonald observed the rear brake was in an unsatisfactory condition, and the front tyre was in an unsatisfactory tread condition.

Scene examination

59. Woodstock and Neptune Streets are both straight and level carriageways, catering for a single lane of traffic in each direction. The area is a built-up residential area with a posted speed limit of 60km/hr. The intersection is controlled by 'Stop' signs facing vehicles travelling on Neptune Street.
60. The road surface was in good condition, with no potholes, obstructions or other debris present which may have contributed to the cause of this crash.
61. Within the intersection investigators observed a set of short tyre scuff marks that commenced in the left lane of Woodstock St, then moved laterally in the direction of Neptune Street. These tyre marks indicate the location of the front wheel of the Barina at the time of impact.
62. The force of impact caused the Barina to change direction suddenly, causing the front wheels to scuff against the road surface. A further set of tyre scuff marks then commenced a short distance from the initial marks, and then curve through the intersection in a manner consistent with a vehicle under rotation. The rotation marks continue to a visible kerb strike on the south-eastern corner of the intersection and associated impact with a steel pipe barrier protecting the earthing wire from the power lines. The Barina came to a stop shortly after this kerb strike.
63. On approach to the 'Stop' sign facing Mr Lawton, the road surface had numerous acceleration and braking scuff marks. Within those tyre marks, investigators identified a single skid mark, consistent with the rear wheel of a braking motorcycle, which terminated adjacent to the first scuff mark associated with the front left wheel of the Barina. Inspection of the rear tyre of the motorcycle identified scuffing on the tyre consistent with this tyre skidding in the direction of travel of the motorcycle at some point, which may indicate pre-impact braking.

¹⁸ Ex B8 – Statement of Alexander McDonald

64. However, due to heavy contamination (other scuff marks in this area), investigators could not state with any certainty if the single skid mark located in Neptune Street was related to this incident.
65. The FCU concluded Mr Lawton's motorcycle was travelling at speed and under acceleration on approach to the 'Stop' sign and made a late, or ineffective attempt to slow or stop at the intersection. The flat spot on the rear tyre and the potential skid mark suggested braking. However, the brake application at this point was too late to avoid the collision.

Ethical Standards Command Investigation

66. An investigation into the circumstances surrounding Mr Lawton's death was conducted by Detective Senior Sergeant Cameron Herpich¹⁹ of the Internal Investigation Group (IIG), Ethical Standards Command (ESC). A coronial report was provided including statements, the Forensic Crash Unit report, video recordings, photographs, and other QPS documents.
67. The ESC Report identified that SC Parker was an experienced motorcycle rider, with 45 years riding experience. He was sworn into the QPS in 1997 and the majority of his QPS career has been in the Road Policing Unit.
68. SC Parker participated in a 'drive around' with ESC investigators on 31 May 2020. There was a QPS Intelligent Traffic Analysis System (ITAS) Tasking in relation to patrols being conducted on Boys Avenue, Bryant Street and Jupiter Street in response to complaints of speeding of motorcycles and cars. The complaints also involved trailbikes riding in bushland along Bryant Street.²⁰
69. Mr Lawton was also the subject of a "be on the lookout" for an evade offence that occurred on 11 April 2020. Mr Lawton was identified on CCTV footage as the rider of a blue Honda motorcycle. He did not wear a helmet and had a pillion passenger who wore a helmet. Mr Lawton was not identified until 14 April 2020, and a search warrant was obtained for his residence.
70. On 21 April 2020, police executed the search warrant but only located a black motorcycle which did not appear to be working. Mr Lawton was issued with a notice to appear for the evade offence on 27 April 2020.
71. On 27 April 2020, a complaint was made by a resident of a speeding blue/green motorcycle along Bryant Street.
72. On 26 May 2020, the same complainant filmed a blue motorcycle speeding up and down Bryant Street. The rider was wearing a green helmet. Mr Lawton was later identified as the rider in the video, but it is not clear whether that was determined prior to his death.
73. ESC investigators reviewed SC Parker's BWC and determined that a pursuit lasted for approximately 1 minute and 11 seconds. The distance travelled was approximately 1.3km.
74. Investigators determined that Mr Lawton was actively avoiding interception by SC Parker, who was attempting to intercept Mr Lawton.

¹⁹ Now retired

²⁰ Ex D32 – Maryborough Road Policing Unit Task List; Ex E11; Ex E15

75. ESC Investigators concluded that SC Parker's BWC articulates the subject member had morphed the "evade" offence into a continuous "protracted follow" through suburban streets where it is both evidence and reasonable to believe that Mr Lawton was motivated to avoid interception and was not going to stop. It was found that the reason for interception (traffic offence) was not justified within the QPS Safe Driving policy to pursue in this instance.
76. The investigation acknowledged that SC Parker could have disengaged from any further attempt to intercept Mr Lawton.
77. Investigators concluded that Mr Lawton must be held primarily responsible for his own demise through his riding actions. However, had the actions of SC Parker been different, it may have led to a different outcome.
78. Investigators commented that the issue of police pursuits, in the context of the willingness of offenders to engage in such activities, is a community issue which requires a community response.

Conclusions on Inquest Issues

The findings required by s 45 of the Coroners Act 2003

79. I am required to find, as far as possible, the medical cause of death, who the deceased person was and when, where and how he came by his death. As a result of considering all the evidence, including the material contained in the exhibits, I make the following findings:

Identity of the deceased – Damian John Lawton

How he died – Mr Lawton died as a result of injuries sustained in a motor vehicle crash after he rode his motor cycle through a Stop sign at high speed after a police officer carrying out traffic patrols on a marked police motorcycle had attempted to intercept him.

Place of death – Maryborough, Queensland

Date of death – 30 May 2020

Cause of death – Multiple injuries, due to, motorcycle collision (driver)

The adequacy and appropriateness of the decision and actions of SC Parker to follow Damian Lawton, including but not limited to, whether such actions were contrary to the interests of community safety.

80. In order for SC Parker to attempt to intercept Mr Lawton it was necessary for him to ride his motorcycle at high speed. SC Parker reached a maximum speed of 152 km/hr in a 50km/h zone on Bryant Street. His evidence was that there was about 100m – 150m between him and Mr Lawton. The closest he got to Mr Lawton was when they turned right into Vista Street when he was around one second behind.
81. Counsel Assisting submitted that SC Parker was not reasonably in a position to actually intercept Mr Lawton. I agree with the benefit of hindsight that it was unlikely that SC Parker would have caught up to Mr Lawton. However, that does not mean he was not entitled to attempt an interception in the performance of his duties as an officer in the Road Policing Unit.
82. SC Parker's evidence was that he was patrolling in the vicinity of Aldridge High School because of complaints of unregistered motorcycles speeding in residential streets. He had parked and heard a very loud motorcycle operating at high revs. He also thought the motorcycle had an ineffective exhaust. He initially performed a U-turn and began following Mr Lawton in order to attempt an intercept because of Mr Lawton's speed and manner of driving, and to obtain identifying particulars such as licence and registration details.
83. SC Parker's evidence was that he continued following Mr Lawton because his driving constituted more than just an exceed the speed limit offence. He also thought the driving was dangerous.
84. Mr Herpich concluded that SC Parker should have terminated the attempted interception on Vista Street. He considered that Mr Lawton would have known at that stage that he was being followed by SC Parker because the lights and sirens were activated on the police motorcycle. Mr Herpich said that he based his conclusions on the BWC footage.
85. The ESC investigation concluded that SC Parker had transformed the 'evade offence into a continuous 'protracted follow' where it was reasonable to believe that Mr Lawton was not going to stop. The investigation concluded that the reason for interception (traffic offences) did not justify a pursuit within the QPS Safe Driving Policy.
86. On the other hand, SC Parker believed Mr Lawton knew police were behind him only after Mr Lawton did a shoulder check and turned right onto Neptune Street from Shumack Drive. SC Parker said that at that time he determined that an evade offence had been substantiated and he proceeded to terminate the attempted interception. It was also around this time that SC Parker thought that Mr Lawton did not have a registration plate on his motorcycle. He said that he did not engage in a pursuit.
87. In my view, the body worn camera footage is not conclusive in relation to the point at which Mr Lawton performed a shoulder check. On one view he appeared to do so on entering Vista Street. However, I also accept that the image on the BWC is not necessarily identical to the perspective of SC Parker as he navigated his police motorcycle through the corner into Vista Street.

88. I found SC Parker to be a credible witness. He was an experienced police motorcycle rider with over 20 years of service. While this incident has clearly affected him, he was able to give a coherent account of his actions with reference to the BWC footage and articulate his decision-making and risk assessments as he followed Mr Lawton on 30 May 2020.
89. I am not satisfied on the balance of probabilities that SC Parker was engaged in a pursuit as defined in Chapter 15 of the QPS Operational Procedures Manual.
90. The first limb of the definition of pursuit requires that the police vehicle continues to follow a vehicle after the officer has given 'a direction to the driver to stop and the vehicle fails to stop as soon as reasonably practicable'.
91. Apart from the suggestion that Mr Lawton carried out a shoulder check at the corner of Neptune St, the evidence in this inquest was equivocal in relation to whether Mr Lawton was aware that SC Parker was following him with his lights and sirens activated given the distance between him and SC Parker, the noise of the motorcycle and that fact that Suzuki had no rear vision mirrors. I note that Ms Jeffery, a resident of Vista St, said that she could not hear Mr Lawton's motorcycle as she exited her property in her motor vehicle with the radio playing.
92. Mr Lawton was unlicensed and riding an unregistered motor cycle. After encountering SC Parker on Bryant Street he would have been motivated to put distance between himself and SC Parker and to avoid detection by police given the likelihood that he would face further criminal charges, fines and/or imprisonment.
93. Counsel Assisting submitted that if I accepted that Mr Lawton was aware police were following him with lights and sirens, and he was actively evading police, then according to the QPS policy a pursuit was engaged. However, the second limb of the policy also requires a consideration of whether SC Parker believed on reasonable grounds that Mr Lawton was attempting to evade police and SC Parker continued to follow him.
94. The evidence of SC Parker was that he was aware of the 'pursuit policy' and he conducted a risk analysis at various stages while he was attempting to intercept Mr Lawton. This included an assessment of road and traffic conditions, the absence of pedestrians and Mr Lawton's apparent riding ability. He observed only one shoulder check at the intersection of Shumack Drive and Neptune Street.
95. SC Parker was referred for disciplinary investigation. The QPS Office of State Discipline found that SC Parker had complied with the QPS pursuit policy, that he conducted a continuous risk assessment and 'abandoned the pursuit' once he believed Mr Lawton was aware of the attempted police intercept, at the end of Shumack Drive into Neptune Street.
96. While the Office of State Discipline was performing functions different to those of a coroner, in reaching my conclusions I have had regard to the findings of that Office when considering the same evidence. I agree with the conclusion that SC Parker complied with the QPS Safe Driving Policies.

97. Counsel Assisting also submitted that even if it was accepted that SC Parker did not breach any QPS policies, I should find that he could have disengaged from following Mr Lawton more than once, and that regardless of the QPS' operational policies his decision to continue following Mr Lawton at such a high speed on suburban streets was unjustified, and a risk to the community safety.
98. I do not accept that submission. Consistent with the findings of the Office of State Discipline, I consider that SC Parker was entitled to engage in urgent duty driving to attempt to intercept Mr Lawton. The OPM envisages that officers can drive in excess of the speed limit in those circumstances but are to have regard to the safety of other road users when doing so. While SC Parker rode at high speed along Bryant St, which has bushland on one side, his speed did not exceed 92km/hr during the rest of the attempted interception.
99. I agree with the submission on behalf of SC Parker that it is necessary to consider the events of 30 May 2020 from his perspective rather than solely with the benefit of hindsight. The events took place over less than 60 seconds, and it was necessary for SC Parker to respond to the situation as it transpired, to make decisions and then implement those decisions while operating his police motorcycle, including responding to the other vehicles he encountered on the road.
100. Mr Newman's evidence was that as he entered the intersection, he saw Mr Lawton's motorcycle to his left. He did not see the police motorcycle. Although Mr Newman was only travelling at 40-45 km/h he said there was nothing he could do to avoid the collision given the speed of Mr Lawton's motorcycle. He described the impact as like a bomb going off.
101. Similarly, Mr Adam's evidence was that he observed Mr Lawton was riding at around 150km/h along Neptune Street prior to the collision. He said Mr Lawton was continuing to 'accelerate hard' as he approached the Stop sign. Mr Lawton did not decelerate or take any evasive action. While Mr Adam saw the lights of the police bike some 400m from the intersection he did not hear a siren. The police bike was not moving fast at that time. Mr Adam did not think police were engaged in a pursuit at that stage.
102. The evidence of those witnesses supports the conclusion that Mr Lawton's manner of driving did not alter from the time he saw SC Parker on Bryant Street until he crashed into Mr Newman at the intersection of Neptune and Woodstock Streets after proceeding at very high speed through a Stop sign.

The adequacy of the QPS investigation into the circumstances surrounding Damian Lawton's death

103. While I did not agree with the conclusions in the ESC report, I consider that the investigation was conducted professionally, and that all relevant material was gathered to assist the coronial investigation.

Further actions, if any, which could be undertaken to prevent a similar incident from occurring again

104. Mr Herpich made two recommendations at the conclusion of his investigation report:

- i. QPS consider the current pursuit policy wording in view of perceived and/or real inconsistencies, particularly with respect to what constitutes an evade and a pursuit;*
- ii. QPS reinforce the Safe Driving policy through continuous training, refinement and where required, improvement to reduce the risk of a similar event occurring.*

105. Deputy State Coroner Bentley recommended in the inquest into the death of Logan Dreier on 14 October 2021 that the QPS review the Safe Driving and Pursuit Policy.

106. I have been provided with evidence that the relevant policies are being reviewed by the Safe Driving Working Group and that its work is nearing completion. The review includes a consideration of the threshold for pursuable matters. It is examining the benefits and consequences of changing the pursuit permissible offence levels having regard to the risks involved.

107. District and road supervisors are actively conducting reviews of pursuit and evade police matters in their police districts. Immediate debriefs and corrective action can be provided, and matters referred to a district Critical Incident Review Committee for overview.²¹

108. I was also provided with evidence that the QPS has enhanced both face to face training for officers and online learning products following the recommendations of DSC Bentley. These will enhance officer skills in conducting risk assessments within the QPS Safe Driving and Pursuit Framework under stressful and challenging conditions.²²

109. I make no further recommendations as the relevant issues are the subject of existing reviews by the QPS.

110. I close the inquest.

Terry Ryan
State Coroner
MARYBOROUGH

²¹ Ex B22, para 8

²² Ex B20