



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the death of Logan Dreier

TITLE OF COURT: Coroners Court

JURISDICTION: SOUTHPORT

FILE NO(s): 2019/3619

DELIVERED ON: 14 October 2021

DELIVERED AT: SOUTHPORT

HEARING DATE(s): 19-23 July 2021 and 28 July 2021

FINDINGS OF: Jane Bentley, Deputy State Coroner

CATCHWORDS: Coroners: inquest, Queensland Police Service, pursuit, pursuit policy, communications centre, dangerous driving, urgent duty driving, primary pursuit vehicle, radio communications, training.

REPRESENTATION:

Counsel Assisting:	Ms R Helsen
Ms Kristy Kiker (next of kin):	Mr M Rawlings Mr B Coyne instructed by Caxton Legal Service
Commissioner of Police:	Mr M Nicholson instructed by QPS Legal Unit
Inspector Ray Vine:	Mr M McCarthy instructed by McGinness & Assoc Solicitors
Sgt Braden Murphy:	Mr J Hunter QC instructed by Gilshenan and Luton Solicitors
Snr Sgt Ottaway, SC Finlay SC Gilles, SC Harverson Const Harris, SC Slater:	Mr S Hollands retained by Qld Police Union
Snr Sgt McGibbon, Sgt Finlay, Sgt Hayden, SC Phillips, SC Hamilton, Constables Stutz, Armstrong and O'Keefe:	Mr P Lyons, FC Lawyers

Contents

Introduction	1
Background.....	1
The Circumstances of Logan's Death	2
Autopsy	4
FCU Investigation	4
Crash location	4
Scene examination.....	5
Vehicle examination	6
John - Forensic procedure	7
Logan – Forensic Analysis	8
Conclusions.....	8
QPS Police Pursuit Policy – Chapter 15.5 OPM	9
Police Units and Officers Involved in the Pursuit.....	15
VKR.....	15
Police Motorcycles	16
The Pursuits.....	17
The Initial Pursuit of the Nissan Pulsar.....	17
The Second Pursuit – the Toyota Utility	20
Ethical Standards Command	28
Interviews	28
Senior Sergeant Arron Ottoway (GA160)	28
Senior Sergeant Bradyn Murphy (RG900).....	31
Inspector Raymond Vine (GA140).....	33
Senior Sergeant Brett MacGibbon (GA161).....	36
Claudia Nicholls	38
Sonia Roberts.....	40
Michelle Phillips	42
Sergeant David Martin	45
Sergeant Kristina Sherer.....	48
Senior Constable Hugh Haverson (GE246).....	49
Senior Constable Jason McInnes (RG945).....	50
Senior Constable Troy Hamilton (GN702)	53
Senior Constable Matt Gilles (RG962).....	56
Constable Bradley Harris (GE431)	57
Sergeant Robert Finlay (GA165)	59
Sergeant Ian Hayden (RG942)	62
ESC Conclusions	63
Supervisory issues.....	64
Management issues.....	64
Organisational issues	65
Recommendations.....	66
Disciplinary action	66
The Inquest.....	66
Witnesses.....	67
Detective Senior Sergeant Herpich.....	67
Senior Constable Paris	67

John	68
QPS Witnesses.....	69
Findings and Conclusions.....	89
The scope of the Coroner’s inquiry and findings	89
Submissions	90
Findings.....	90
Commencement of the Pursuit	90
Whether the Pursuit was Justified.....	91
Control of the Pursuit	91
Abandonment of the Pursuit	93
The QPS Pursuit Policy	95
Radio Communications.....	95
Training.....	96
Conclusions and Comments.....	97
Recommendations	98
Findings required by s. 45.....	98
Identity of the deceased.....	98
How he died.....	98
Place of death.....	99
Date of death	99
Cause of death	99

Introduction

1. Section 45 of the *Coroners Act 2003* provides that when an inquest is held the coroner's written findings must be given to the family of the person in relation to whom the inquest has been held, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations.
2. These are my findings in relation to the death of Logan Dreier. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.
3. These findings and comments confirm the identity of the deceased person, when, where and how he died and the cause of his death.

Background

4. At the time of his death Logan was eighteen years old. He lived with his mother Kristy Kiker at Southport. His father, Clayton Dreier, lived at Paradise Point.
5. Logan was loved by his family and friends. Logan had a sister who was twelve when he died and an older brother. The lives of his siblings and his mother are irreparably affected by Logan's death as are those of his other family, his loved ones and friends.
6. Logan's last words, as he lay on the side of the road, seriously injured and bleeding, were to the police officer who was administering first aid to him. They demonstrate his true character and selflessness. He asked, "Is my friend ok?"
7. Logan was, as is typical of many young men of his age, impulsive and immature. His impulsiveness and immaturity had resulted in him becoming known to the police, however, those details are irrelevant to this inquest as the police involved in the pursuit which ended in Logan's

death did not know the identities of the young men they were pursuing until the tragic conclusion.

The Circumstances of Logan's Death

8. At 9am on 9 August 2019 police responded to a reported burglary at Maudsland. Three suspected offenders – Logan, “John” and another person - left the scene in a Nissan Pulsar sedan. Police pursued that car to Kopps Road, Helensvale (behind Movie World) where the driver lost control of the car in bushland at about 9.10am.
9. The three got out of the car and ran away. The third person was apprehended by Movie World staff in the water of the Wild West ride.
10. Shortly before 9.14am Logan and John stole a white Toyota Hilux dual cab utility (131IDY) “the utility” that was owned by Movie World, from outside the “Wild West” maintenance shed. They both entered the car and John drove off, side-swiping a vehicle on the way.
11. They drove towards the fuel bowser area and then executed a three-point turn outside the Fox lighting building and drove back.
12. They stopped on the service road between Fox lighting and the Wild West Falls ride at 9.15am and asked a Movie World employee how to get out of Movie World. He told them to go back behind the Wild West attraction. They drove off in that direction but the utility stalled and John and Logan swapped seats. Logan drove the utility from that point on.
13. They drove back along the service road at speed and side-swiped a Suzuki van then crashed through the boom gate at the security gatehouse at 9.17am. They drove through the staff car park and then exited onto Entertainment Road.
14. They crossed Entertainment Road under the Pacific Motorway overpass at about 9.18am, turned right across a concrete island and entered the M1 travelling southbound. Police vehicles which were at the carpark entrance commenced following the utility.

15. The utility took the Southport Nerang Road exit towards Southport.
16. At 9.22am the utility drove on the wrong side of the road inbound on Southport Nerang Road. At 9.24am it passed the intersection with Cotlew Street and then turned onto Enterprise Road. It continued onto Industrial Avenue and then onto Olsen Avenue, crossing a median strip and driving north on the wrong side of the road. It travelled north across the footpath of Olsen Avenue, u-turned across traffic and continued south.
17. At 9.27am the utility was driving south on Olsen Avenue, at speed, weaving in and out of the traffic before turning left and heading east on Southport Nerang Road. It went the wrong way through a roundabout at Hinde Street and then turned right into Hinde Street. It drove to the Ashmore Palms Holiday Village, turned around and then drove back north on Hinde Street.
18. At 9.29am the utility went through the intersection of Southport Nerang Road and Wardoo Street and continued onto Nerang Street.
19. At 9.30am at the intersection of Southport Nerang Road and Queen Street at Southport, the utility travelled from the second turning lane and turned right onto Queen Street. The front wheel collided with the centre median. The utility travelled sideways and rolled three times coming to rest on the driver's side. Logan was ejected from the front of the utility as it rolled and he struck the concrete curb.
20. Police officers arrived at the scene within seconds and administered first aid until Queensland Ambulance Service paramedics arrived. Logan was taken to the Gold Coast University Hospital where he underwent surgery. He was found to have suffered a massive unsurvivable intracranial haemorrhage. He was transferred to the Intensive Care Unit and palliated. Logan died at 9.55pm on 9 August 2019.

Autopsy

21. An autopsy confirmed that Logan died from injuries he sustained in the motor vehicle accident. He had multiple blunt force traumatic injuries including multiple skull fractures. There was no indication that he had been wearing a seat belt.
22. Toxicology was positive for methylenedioxymethylamphetamine, methylenedioxyamphetamine, cannabis, a sedative and an anaesthetic. The sedative and the anaesthetic were administered to Logan in hospital.

FCU Investigation

23. A Forensic Crash Unit (FCU) Investigation report was prepared by Senior Constable Steve Parish from Coomera FCU, who attended the scene and considered the mechanism of the crash.
24. Senior Constable Paris attended the location at 10:15 am on 9 August 2019. The stolen vehicle was observed in-situ having not been moved, lying on its offside (driver's side) in the eastbound righthand through lane on Queen Street, approximately 45 metres east of the intersection. A trail of vegetative debris, including grass and dirt was strewn across the eastbound merging lane leading to the final resting place of the stolen vehicle.

Crash location

25. The crash location is situated at a large cross intersection between Queen Street and Nerang Street, Southport, which is controlled by a series of traffic lights that were operational at the time of the incident. The road surface is bitumen that was found to be in good condition.
26. The speed limit of the intersection is 60km/hour.
27. Nerang Street at this location is divided into a carriageway that travels in a general southeast/northwest direction and caters for a bi-directional

flow of traffic. There are six north eastbound lanes on approach, and a dedicated left-hand turning lane for traffic entering Queen Street heading westbound at the intersection followed by a narrow bicycle lane.

28. Queen Street at this location is a divided carriageway that travels in the general east/west direction and caters for bi-directional flow of traffic. On the approach to and continuing through the intersection, there is a dual tram line designated for eastbound and westbound trams.
29. On the eastern side of the intersection, Queen Street continues with a narrow bicycle lane followed by two eastbound lanes and three westbound lanes separated by a narrow-raised centre median. The eastbound lanes have a gradual uphill elevation. The centre median is entirely bordered by concrete kerbing and varies in width at the commencement of it at the intersection between 1 and 2 metres.
30. The construction of the road and its condition were not found to have contributed to the traffic crash.
31. At the time of the crash, it was daytime, and the visibility was good. There were no atmospheric conditions nor substances on the roadway that may have contributed to this incident.

Scene examination

32. In terms of the three specific periods of time associated with the crash, Senior Constable Paris conducted a thorough survey and examination of the scene, and found as follows:
 - I. *Pre-crash:* This involved the stolen vehicle approaching the incident scene from Nerang Street by way of the eastbound right-hand turning lane of the intersection prior to Queen Street. At the scene, tyre friction marks were observed, which commenced on the bitumen surface of the road in the centre

right hand eastbound turning lane of the intersection, approximately 17 metres west of Queen Street. The marks were found to have led directly to the commencement of the centre median and continued across the concrete kerbing along the eastern edge of the media for a further 17 m. These marks were found to have been caused by the tyres of the stolen vehicle and were the commencement of the incident scene. Scuff marks indicating tyre markings, which are left on the roadway by a tyre that is rotating and slipping parallel to the axis, were observed and found to have been left when the stolen vehicle traversed the right-hand curve of the road from the intersection into Queen Street.

CCTV footage from TMR cameras at the intersection captures the stolen vehicle traveling at speed in an easterly direction entering Queen Street. As it negotiates the right-hand bend of the road, it goes into a broadside position causing skid marks across the concrete kerbing of the centre median.

- II. At-crash: This occurred in this incident when the tyres of the stolen vehicle came into contact with the concrete kerbing of the centre median, causing enough resistance to the broad-side for the vehicle to overturn. It overturned twice landing on its bonnet, roof and offside causing gauges in the bitumen. During the second rotation, Logan is ejected from the front offside door window landing on the concrete gutter parallel to the bicycle lane.
- III. Post-crash: the stolen vehicle lands on its offside facing west in the right-hand eastbound lane. This is the vehicles final uncontrolled position, which is approximately 45 metres east from the intersection. Logan was located a further 8 metres east of the vehicle.

Vehicle examination

33. In addition to an examination of the vehicle at the scene, a further mechanical and forensic examination was subsequently carried out.
34. Damage to the vehicle was found to be consistent with the vehicle overturning multiple times along the eastbound through lane.
35. In relation to the driver's and front passenger's seatbelts, Senior Constable Paris found that they were fully retractable with no stretch marks noted. He is of the view that neither were being worn at the time of the incident.
36. On 15th August 2019 an authorised motor mechanic and vehicle inspection officer from QPS conducted a formal examination on the stolen vehicle. He found that the vehicle was in an unsatisfactory mechanical condition at the time of the incident due to minor free play in the idler arm and pitman arm moveable points. However, he was of the view that such defects were not serious enough to have affected the safe operation of the vehicle.

John - Forensic procedure

37. On 12 August 2019, a Forensic Medical Officer (FMO) attended the Coomera Police Station and conducted a forensic medical procedure upon John. It was requested that the FMO specifically address any of the injuries he had sustained as a result of the incident on 9th August 2019.
38. The injuries observed were as follows:
 - Predominantly on his arms and shoulders.
 - Several fine linear abrasions, some parallel, varying in length from under 1 cm to around 6 cm on his arms and also shoulders and hands.
 - A number of scabbed injuries were observed on his forehead, hands and left ankle.

39. In summary, the FMO noted the following:
- One explanation for the injuries were that they were sustained during the traffic crash.
 - The linear abrasions, and some of the other injuries, could also be attributable to brushing through vegetation when he ran through the creek.
 - No injuries observed were characteristic of those caused by car restraints.

Logan – Forensic Analysis

40. The FMO considered that some of the effects of the amphetamine type drugs that Logan had in his system have the potential to affect a person's driving ability including:
- Attention difficulties;
 - Feeling disorientated;
 - Lack of coordination;
 - Impaired ability to react appropriately;
 - Aggression and an increased chance of taking unnecessary risks;
 - Over-confidence, not necessarily supported by improved skills;
 - Drowsiness as the effects wear off.
41. However, the effect of cannabis on cognitive and psychomotor performance varies widely among individuals.

Conclusions

42. Senior Constable Paris reached the following conclusions:
- That Logan and John stole the vehicle from the Movie World theme park at around 9.14 am on 9 August. John was initially driving, however, before exiting Movie World, they swapped positions so that Logan could drive.

- At various times during the pursuit, the stolen vehicle whilst evading police, drove in a dangerous manner crossing onto the wrong side of the road against oncoming traffic.
- At about 9.30 am, Logan was driving the stolen vehicle travelling south on Nerang Street, Southport with John as his passenger.
- Logan approached the intersection with Queen Street at speed and commenced turning into the large sweeping right hand bend. He failed to negotiate the bend and entered into the left broadside position where the vehicle hit the centre median causing it to roll a number of times before coming to a rest in the straight lane on its offside facing west.
- Logan was not wearing a seatbelt at the time and was ejected from the vehicle landing in the gutter several metres east of the vehicle.
- The stolen vehicle was in an unsatisfactory mechanical condition; however, the defects did not contribute to the crash.
- The roadway was in good condition and the weather conditions were fine and clear.

QPS Police Pursuit Policy – Chapter 15.5 OPM

43. Chapter 15 of the QPS Operational Procedures Manual (OPM) relates to the *Driving of Service Vehicles*, with Chapter 15.5 dedicated to Pursuits. This Chapter is underpinned by the Safe Driving Policy, which is outlined at section 15.1, and states:

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.

Although officers driving police vehicles may be engaged in the lawful performance of their duties, they are not relieved of their obligations to other road users, and may be liable to criminal, civil, disciplinary or remedial action as a result of events associated

with their driving. The onus is on each police driver to demonstrate that due care and attention has been exercised at all times.

44. The following sections 15.2 to 15.9 constitute the Service's safe driving policy and are to be complied with by all members of the Service where appropriate.
45. Chapter 15.5 defines a pursuit as:
- (i) an officer in a police vehicle gives a direction to the driver of another vehicle to stop (see s. 15.4.3: 'Intercepting a vehicle' of this chapter) 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 (see s. 15.5.2: 'Justification for pursuit' of this chapter); or
 - (ii) creates an unjustifiable risk to the safety of any person (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).
46. The pursuit policy principles formally recognise that pursuits are inherently dangerous and should only be conducted when justified. At all times, officers are required to consider the risk associated with conducting pursuits and to consider the relevant risk factors, as outlined at section 15.5.3. Furthermore, alternatives to conducting a pursuit should be considered, which includes whether there are alternative options to a pursuit, such as identifying and apprehending the offender at a later time. The safety of all members of the public, police officers and suspect persons are the primary consideration.
47. In terms of justification for pursuits, section 15.5.2 provides that a pursuit is not to be commenced or continued unless officers can justify

the need to pursue a vehicle to immediately apprehend an occupant, who officers reasonably believe:

- (i) will create an imminent threat to life; or
- (ii) has or may commit an act of unlawful homicide or attempt to murder; or
- (iii) has issued threats to kill any person and has the apparent capacity to carry out the threat; or
- (iv) has committed an indictable offence prior to an attempt by police to intercept the vehicle.

48. The risk assessment, which officers are required to apply before the commencement of a pursuit and then continually throughout, is outlined at section 15.5.3. This risk assessment includes all of the factors impacting or potentially impacting on the conduct of the pursuit, such as:

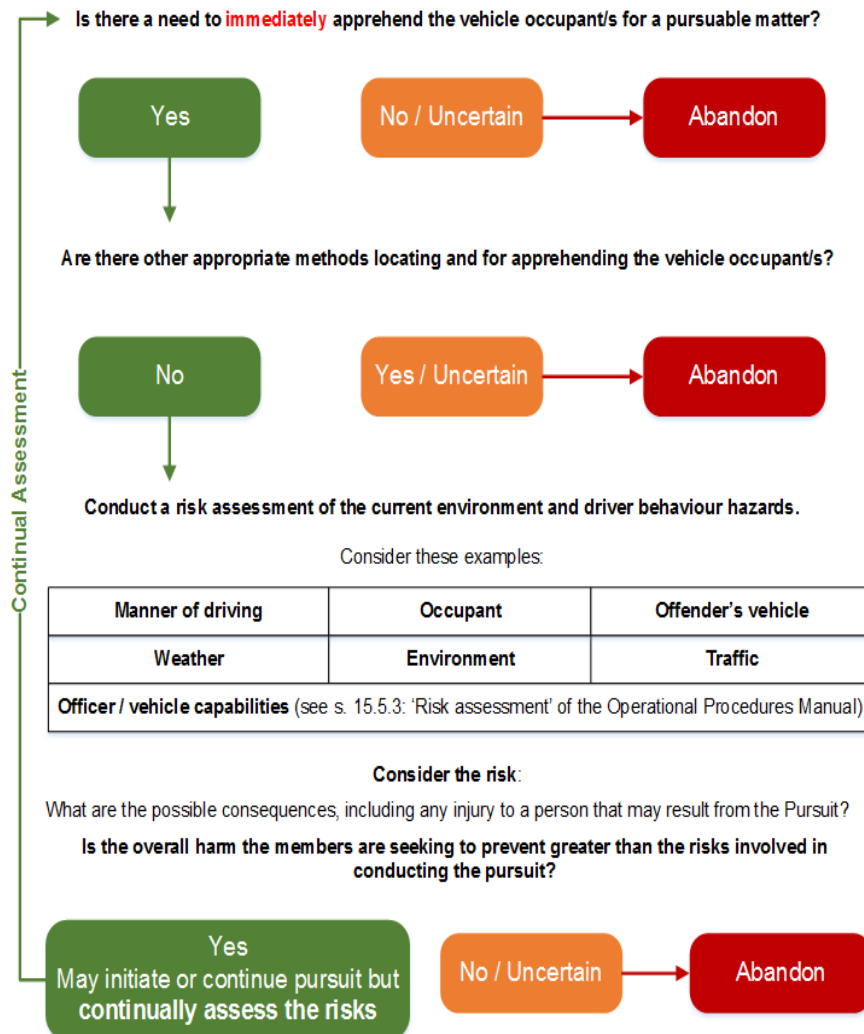
- Manner of driving – speed of offenders and police vehicles, disobeying traffic control signals, signs and markings, effect of police presence on the driver’s behaviour;
- Occupant – age and identity of the offender, offences committed and the occupant’s behaviour;
- Environment – type of road, built up area, foreseeable emerging road conditions;
- Officer/vehicle capabilities – experience of the driver, type of police vehicle.

49. The order underlining section 15.5.3 states that ‘where the pursuit would expose the police, public or the occupants of the pursued vehicle to an unjustifiable risk of death or serious injury, the pursuit; (i) should not be commenced; or (ii) is to be abandoned.’

50. The below decision-making risk assessment tool is provided for in Chapter 15.5:

Pursuits – Decision making and risk assessment tool

Apply the following when considering whether to initiate a pursuit and continually throughout a pursuit.



The pursuit decision making process and continual assessment should be conducted in conjunction with:

- (i) s. 15.5.1: 'Pursuit Policy Principles';
 - (ii) s. 15.5.2: 'Justification for pursuit'; and
 - (iii) s. 15.5.3: 'Risk assessment',
- of the Operational Procedures Manual.

51. When an officer initiates a pursuit, section 15.5.5 mandates that where radio contact can be maintained, the officer is required to ensure that all relevant details are provided to communications, which includes the reason for the pursuit, the location and direction of the pursuit, a description of the vehicle being pursued and risk factors.

52. Section 15.5.6 outlines the *Officer Responsible for the control of pursuits (Pursuits Controller)*. This section states that the senior officer in the primary unit is responsible for initiating the pursuit is the Pursuit Controller until it is passed to the police communications centre or police station. All officers involved in a pursuit are required to maintain radio contact with the pursuit controller and advise of the progress at regular intervals.
53. Pursuit controllers are accountable for their actions and decisions in allowing a pursuit to continue. The responsibilities of the pursuit controller are set out at section 15.5.7 and include:
- (i) broadcast via the police radio that the pursuit is now under their control;
 - (ii) confirm that the pursuit is authorised under the policy (see 'Pursuable matters' in s. 15.5.2 of this chapter);
 - (iii) conduct a continual risk assessment of the pursuit (see s. 15.5.3: 'Risk assessment' and 'Pursuit decision making process' in s. 15.5.4: 'Conduct of a pursuit' of this chapter); and
 - (iv) determine whether a Service helicopter is available to perform electronic surveillance of the pursuit (see s. 15.5.10: 'Use of Polair Queensland during a pursuit' of this chapter);
 - (v) where practicable, if a regional duty officer and/or district duty officer are performing duty in the area where the pursuit is occurring:
 - (i) advise the officer/s of the pursuit; and
 - (ii) seek their advice with respect to the continuation or abandonment of the pursuit and any appropriate uses of force option to bring the pursuit to a resolution, e.g. the deployment of TDD (see s. 15.6: 'Use of force during a pursuit' of this chapter as appropriate); and
 - (vi) authorise if appropriate, the continuation or abandonment of the pursuit (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).

54. Pursuant to section 15.5.8 Regional and District Duty Officers are required to provide advice to the pursuit controller of any facts or circumstances that may have an impact on the decision-making process to assist in managing the pursuit.
55. In terms of Operational Considerations of a pursuit, provided for in section 15.5.9, it relevantly states that:

Officers engaged in motor vehicle pursuits are to ensure:

- (i) the initial pursuing vehicle continues the pursuit but relinquishes the primary unit position to another vehicle if the occupants:
 - (a) are unable to keep the offender's vehicle in sight; or*
 - (b) consider another unit is in a better position to undertake the pursuit;**
- (ii) if a police motorcycle initiates a pursuit as the primary unit, the motorcycle is to relinquish the primary unit position to a vehicle with four wheels, when advised by the Pursuit Controller that such a vehicle is in attendance (my emphasis);*
- (iii) where the Pursuit Controller designates a second four wheel unit as a backup unit, that unit is to maintain a safe distance behind the primary unit, but should be close enough to render assistance if and when required;*
- (iv) if the initial pursuing vehicle contains only one member, that unit is to relinquish the primary unit position to another vehicle with two members, when advised by the Pursuit Controller that such a vehicle is in attendance;*
- (v) unless otherwise directed by the Pursuit Controller, only two units pursue an offender's vehicle. If additional units are requested after the pursuit has ended to assist in detaining occupants of the pursued vehicle, the Pursuit Controller shall arrange accordingly. Under no circumstances are other police*

units to join in the pursuit of an offending vehicle unless directed to do so by the Pursuit Controller;

(vi) pursuits of trail bikes by four-wheel units, other than on formed roads should only be conducted in extreme circumstances. Trail bikes should only be pursued in off-road situations by approved motorcyclists riding trail bikes; and

(vii) if an unmarked police vehicle initiates a pursuit, that unit is to relinquish the primary unit position, when advised by the Pursuit Controller that a marked police vehicle is in position to take over the pursuit.

56. Pursuant to section 15.5.11, a pursuit is to be abandoned immediately if it creates an unjustifiable risk to the safety of any person, which is to be determined by way of the continual risk assessments to be conducted and risk factors outlined within the policy.

Police Units and Officers Involved in the Pursuit

VKR

57. On 9 August 2019 Logan Police Communications Centre (PCC) was located at the Brisbane Communications Centre due to mould being found at the Beenleigh centre.

58. The PCC team consisted of two civilians (Ms Nicholls and Ms Roberts) and one Senior Constable (the Duty Officer – Senior Constable Phillips) who normally worked out of Beenleigh. The rostered Communications Coordinator “Comco” (PCC Supervisor) was Sergeant David Martin. He worked out of Brisbane but had been allocated as the Comco for the Logan team that day. Although they were in Brisbane the team was responsible for the Gold Coast district, as if they had been physically located at Beenleigh.

59. The Duty Officer of the Brisbane PCC was Acting Senior Sergeant Kristina Sherer.

Call Sign	Unit	Officers
Comco		Sergeant David Martin
GA140	Marked police car	Regional Duty Officer Gold Coast District, Inspector Raymond Vine
GA160	Marked police car	District Duty Officer, Senior Sergeant Ottoway
GA161	Marked police car	District Duty Officer, Senior Sergeant Brett MacGibbon
RG900	Police motorcycle	Senior Sergeant Bradyn Murphy
GN205	Marked police car	Sergeant Bruce Oliver
GN400	Marked 4WD Toyota Hilux	Sergeant Dubbleman (driver) and Constable Bellert
RG945	Police motorcycle	Senior Constable Jason McInnes
RG962	Police motorcycle	Senior Constable Matt Gilles
GN702	Marked police van	Senior Constable Troy Hamilton, Constable Stutz and Constable Bella Wilson
GE246	Trail bike	Senior Constable Hugh Haverson
GE245	Trail bike	Senior Constable Barry Slater
GE431	Marked police car	Constables Harris and Flesser
GN441	Marked police car	Constable Adam Finlay (driver) and first year Constable Natasha Russell

Police Motorcycles

60. Marked QPS motorcycles are fitted with red and blue emergency lights that are located at the front, both sides and rear of the motorcycle. Various combinations of lights can be utilised by the rider. Sirens are also fitted, which can be activated or deactivated as required.
61. To transmit by radio, a police motorcyclist must press a button near the handlebars of the bike and talk into a speaker located in their helmet. Evidence before the inquest from a number of riders suggested that this task can be difficult to perform when riding, depending on the conditions and manoeuvres being conducted.

The Pursuits

62. At 9:04am on 9 August 2019 QPS received a triple zero call from a person reporting that five adults were trying to break into a house at Howard Hughes Court at Maudsland. During the call the caller reported that the alleged offenders got into a grey Nissan Pulsar hatch and were driving away.

The Initial Pursuit of the Nissan Pulsar

63. The job was assigned to crew GN441 (Senior Constable Finlay and Constable Russell) by VKR. The crew proceeded to the address. Senior Constable Finlay activated his body worn camera. GN441 passed the Nissan and then performed a u-turn to follow it. They activated lights and sirens and pursued the Nissan at speeds of up to 120 km/hour.
64. GN441 advised VKR the vehicle was not pulling over for them and they asked for authorisation to pursue the vehicle.
65. Inspector Vine, the RDO (GA140), advised GN441, "You make the call whether you commence a pursuit or not."
66. The DDO, Senior Sergeant Ottoway (GA160) advised, "If a pursuit commences it is justifiable as an indictable offence has been committed prior to this vehicle coming to our attention."
67. GN441 responded they were heading north on Maudsland Road and there was no traffic.
68. Senior Sergeant Ottoway requested GN441 to confirm they were in pursuit. They confirmed and stated they were travelling at 115km/hour with lights and sirens activated.
69. At 9.07am Senior Sergeant Ottoway advised GN441, "It's a high risk situation, to that crew ... you must continually make a risk assessment

as it unfolds ... I'll support you disengaging this vehicle at this stage... stingers are approved people, have a think and try to get in front of it.”

70. Senior Sergeant Ottoway stated, “Comco you are the pursuit controller.”
71. Neither the Comco nor VKR responded.
72. GN441 advised, “We are heading north on Gaven Arterial Road.”
73. Senior Sergeant Bradyn Murphy, riding a police motorcycle (RG900), advised that he was at Nerang.
74. GN441 asked whether they were authorised to use force if they got a chance.
75. VKR replied “Just checking,” and then advised Senior Sergeant Ottoway that GN441 wanted to know if they were authorised to use force.
76. Inspector Vine (GA140) advised the crew to keep calling their speeds and location.
77. GN441 advised they were going 80km/hour and going up Kopps Road.
78. At 9.08am Senior Sergeant Ottoway advised that force was not authorised – they need to deploy stingers prior to the tactic of boxing or heading off and they should continue to make risk assessments and call speed, traffic conditions and manner of driving.
79. GN441 stated there was no traffic and speed was 80km/hour – their actual speed, as per the BWC, was between 90 and 100km/hour.
80. VKR confirmed receipt of that information.
81. GN441 advised that there were four persons in the Nissan and all looked male and they all looked about eighteen or above.
82. Senior Sergeant Ottoway confirmed the information was received.

83. GN441 advised that the offenders were throwing property out of the car. At that time GN441 was travelling at 127km/hour.
84. Sergeant Dubbleman and Constable Bellert (in a marked 4WD Toyota Hilux – GN400) asked for the address.
85. GN441 advised the car was still heading east.
86. At 9.10am GN441 stated, “They’ve lost it – they’ve crashed.”
87. Inspector Vine advised, “Get ready to put down a cordon, they’re going to run, if they do, call out dog squad.”
88. GN441 advised that offenders had decamped into bushland.
89. Senior Sergeant Ottoway advised there was no Polair so they’re going to contain it and get a dog squad en route.
90. Acting Senior Sergeant Finlay, the DDO of the Surfers Paradise District Tasking and Coordination Centre (DTACC) - GA165 – instructed all crews to go into Paradise Country.
91. Sergeant Finlay advised that GN402 and GN400 were proceeding to Paradise Country – he needed crews to go into Pinesdale Street – he asked for a crew to nominate.
92. Senior Constable Gilles (on a marked police motorcycle – RG962) stated that he could head that way and he was acknowledged by Sergeant Finlay.
93. GN300 (a marked police van containing two constables) advised they could go as well and they were told to take up with RG962.
94. Sergeant Finlay coordinated the search of the bushland from this point.
95. Sergeant Finlay sent crews around Movie World. Senior Sergeant Murphy called in that he would go on the bike.
96. Inspector Vine asked who the pursuit controller was and VKR replied that Comco was the pursuit controller and the Comco is Sergeant Martin.

97. Senior Sergeant Ottoway stated, "All crews, VKR, its Golf Alpha 160, we need the airways clear so that we can put down a better cordon thanks."

The Second Pursuit – the Toyota Utility

98. At about 9:17am Coomera Station radioed that a white Toyota ute had been stolen from Movie World carpark and was just about to go through gate 13 and it contained two or three males.
99. Sergeant Oliver in (marked police sedan GN205) responded and advised that he was entering Movie World and asked where to go. GN702 advised the utility was driving up behind a police car.
100. Senior Sergeant Murphy called his call sign.
101. At 9.18am the utility passed a police motorcycle and GN400. As it crossed Entertainment Road, it was pursued by three motorcycles - RG900, RG962 and RG942. GN400 turned around and followed after them. The police vehicles had lights and sirens activated.
102. Inspector Vine asked VKR which crew was calling urgent and what was being called about.
103. At 9.19am the utility crossed lanes on the M1 and travelled at speed in the right-hand lane. Two police motorbikes were close behind with lights and sirens activated.
104. GN205 advised that the vehicle was southbound in the fast lane exceeding 140 km/hour just past the Helensvale south exit southbound on the M1.
105. He then said he no longer had visual of the vehicle.
106. A police motorbike overtook traffic in the left-hand emergency lane.
107. Sergeant Finlay advised VKR that it looked like motorcycles might be in pursuit of that vehicle and stated to standby.

108. At that point CCTV showed Senior Sergeant Murphy on the M1. He radioed that he had the utility under observation. Senior Sergeant Murphy was about 100 metres behind the vehicle followed by Sergeant Hayden and Senior Constable Gilles.
109. Inspector Vine asked VKR to get units on the southern side of the M1 to set up stingers on the off ramps.
110. Sergeant Oliver advised that the ute was going 140 and still southbound on M1.
111. GE431 (two constables in a marked car) advised VKR they were on the Southport Nerang Road proceeding to the highway.
112. Inspector Vine again asked VKR whether there was a unit in pursuit of the vehicle. CCTV recorded three police motorcycles in pursuit along the M1.
113. VKR asked Sergeant Oliver to call his location.
114. At 9.21am Senior Sergeant Murphy and Sergeant Hayden were continuing to pursue on the M1. The utility was driving erratically and swerving in the break down lane and passing all other cars on the road. Senior Sergeant Murphy and Sergeant Hayden followed in the break down lane and Senior Constable Gilles was behind in the second lane from the left.
115. Inspector Vine advised GN205 that he was really breaking up and requested speed and location.
116. The utility came out of the break down lane and veered across the lanes cutting in front of other traffic. Senior Sergeant Murphy was behind it and then Sergeant Hayden and Senior Constable Gilles were further behind.
117. GN702 advised Inspector Vine that they were shadowing the vehicles from about 300 metres behind and maintaining that distance. They reported the utility was staying in the right lane and traffic was medium volume and flowing at normal speed.

118. Inspector Vine asked for their location and they advised they were approaching exit 69 at Nerang River.
119. Sergeant Hayden advised VKR that the utility went eastbound on Southport Nerang Road and Senior Sergeant Murphy was behind it. VKR confirmed the message was received.
120. RG901 asked VKR, "Please attach us we are on Ashmore Road, taking over from 900 as he comes past."
121. Senior Sergeant Murphy attempted to transmit but was cut off and VKR requested him to call again.
122. Senior Sergeant Murphy was travelling at 112km/hour in a 70 zone.
123. At 9:22am Senior Sergeant Murphy advised, "Urgent I've picked that vehicle up and its travelling the wrong side Southport Nerang Road inbound about to turn ... no, it's back on the right side now Stewart Parade."
124. VKR confirmed the advice was received.
125. Inspector Vine asked VKR if they can get units in that area ahead of the car to get ahead of the vehicle to deploy stingers.
126. VKR did not respond.
127. RG980 advised it's eastbound on Nielsens Road.
128. VKR confirmed the message was received.
129. Senior Sergeant Ottoway transmitted, "People we don't need to know where you are or what you're doing or booking on leave the airway open for crews to call their location and think ahead".
130. Inspector Vine said, "VKR can you set a cordon and push cars, units that have stingers ahead of that vehicle and start setting some cordons with stingers please."
131. VKR did not respond.

132. Sergeant Finlay stated, "900 what's your current location? All crews in the Southport area from GA165 we need crews in the Southport area, 900, any updates of location?"
133. At 9.24am the utility was recorded on CCTV passing the intersection of Southport Nerang Road and Cotlew Street with two motorcycles in pursuit and passing traffic stopped at the intersection.
134. RG901 attempted to transmit.
135. VKR advised RG901 it was breaking up and asked for speed and location.
136. RG901 advised it was approaching the intersection with Currumburra Road and the traffic is light.
137. VKR confirmed transmission received.
138. Inspector Vine said they were going to need crews in the area of Wardoo Street, around Cotlew Street and down near Royal Pines at Ross Street. He asked for a crew to nominate.
139. At 9.24am Senior Sergeant Murphy transmitted, "900 urgent, the vehicle is now on Enterprise, it's just almost run over a police trail bike rider."
140. Inspector Vine told VKR to have the Comco contact OIC Polair and have Polair called out.
141. VKR confirmed transmission received and Inspector Vine stated, "I want that done now."
142. At 9.26am the utility exited Enterprise Road left onto Olsen Avenue across traffic which had a green light and then crossed the median strip on Olsen Avenue and travelled onto the wrong side of road against approaching traffic.
143. Senior Sergeant Murphy was approximately 50 metres behind it.
144. Senior Sergeant Murphy did not call that information.

145. GE431 was on Olsen Avenue. The utility came out of Enterprise Road in front of that unit and went onto the median strip.
146. District Duty Officer Senior Sergeant MacGibbon (GA161) asked VKR the current location of the utility and was told by a male voice that it was on Industrial Drive.
147. Sergeant Finlay called that they need a crew on the Smith Street motorway offramp near Olsen Avenue.
148. There was no response from VKR.
149. GE431 advised that the utility was heading northbound toward Smith Street on Currumburra Road towards the hospital on the wrong side of the road.
150. A motorcycle passed GE431.
151. GE431 stated that the utility was on the footpath of the intersection of Crestwood Drive and turning back. He said the occupants definitely appeared to be adults.
152. At 9.26am the utility left the footpath and u-turned in front of vehicles in quite heavy traffic. Senior Sergeant Murphy was on the other side of Olsen Avenue and in front of the vehicle.
153. Senior Sergeant Murphy performed a u-turn at traffic lights followed by GE431.
154. Sergeant MacGibbon asked if he was wanted at that location.
155. VKR did not respond.
156. Inspector Vine asked units to continue to call speed, direction and location.
157. At 9.27am Senior Sergeant Murphy was following the utility along Olsen Avenue.
158. CCTV showed the utility driving at speed down Olsen Avenue, weaving through traffic and then turning left onto Southport Nerang Road. It was

followed by a police trail bike (Senior Constable Haverson) and Senior Sergeant Murphy was following about 50 metres behind.

159. A male voice asked all units to stay on Nerang Southport Road in case the utility went west, for stinger location.
160. At 9.27am Sergeant MacGibbon advised that the utility had just passed him and gone the wrong way, gone straight through Hinde Street roundabout and it is a dead-end street.
161. VKR confirmed.
162. CCTV showed two motorcycles following the utility around the roundabout in the wrong direction against heavy traffic on the roundabout – one motorcycle exited going on the wrong side of the road.
163. A police van drove through the median strip to cross in front of incoming traffic.
164. A marked car and another motorcycle approached the roundabout soon after.
165. At 9.28.19am the utility entered the Ashmore Palms Holiday Village and turned around in the driveway.
166. At 9.28.27am Senior Sergeant Murphy was travelling 86km/hour in a 60km/hour zone.
167. At 9.32am Sergeant Hayden was captured on BWC travelling 126km/hour down Southport Nerang Road following a marked car. In front of the marked car was a police van which travelled onto the wrong side of road.
168. Senior Constable McInnes mounted the median strip and crossed the roundabout on the wrong side of road against traffic yelling, "Get out of the fucking way," to motorists who were approaching him head on.
169. He accelerated to 140km/hour in Hinde Street whilst veering to the wrong side of the road to pass traffic.

170. At 9:33:19am the BWC of Senior Constable McInnes recorded him travelling down Hinde Street with a marked police car and a police trail bike in front of him. The utility passed all three on the other side of the road.
171. Soon after they were passed by Senior Sergeant Murphy who was travelling at speed closely behind the utility.
172. Sergeant Finlay advised VKR that a crew was needed at the intersection of Middleton Street and Wardoo Street and another at the front of the Von Bibra Holden.
173. VKR did not respond.
174. A male advised he was at that location.
175. Sergeant Finlay performed a u-turn and followed the utility. Senior Sergeant Murphy accelerated to over 100km/hour. He passed another police unit stopped on the other side of the road.
176. All three police units followed the utility through the roundabout onto Nerang Road.
177. Sergeant Hayden gave a location at Southport.
178. GN702 was in front of Senior Constable McInnes at this time having followed the utility and Senior Sergeant Murphy from the roundabout.
179. Inspector Vine asked whether a unit had eyes on the vehicle.
180. CCTV cameras depict the utility travelling past the Wardoo Street intersection followed by a motorcycle, a marked car, a police van, a second motorcycle, a trail bike and a third motorcycle.
181. GE431 advised that the utility was heading east down Nerang-Southport Road, doing about 100km/hour, had nearly crashed and gone straight through a red light. At this time GE431 was directly behind the vehicle having followed it from the roundabout.
182. VKR confirmed that it received the message.

183. The dash camera of GE431 depicted the utility swerving towards a car in the lane to the left of it as it accelerated through an orange light at the Wardoo Street intersection. Senior Sergeant Murphy followed it through the orange light.
184. At 9.33.56am the BWC of Senior Constable McInnes depicted him travelling through Wardoo Street intersection just behind GN702. He was travelling at about 70km/hour through the orange light and then accelerated to 141km/hour as he passed GN702.
185. Inspector Vine asked, "Is there a unit in pursuit of that vehicle."
186. Senior Sergeant Murphy was clearly in pursuit but did not respond.
187. GN702 replied that the utility was being pursued by a few police units and was still proceeding eastbound heading to Southport.
188. Inspector Vine asked for the speed of the vehicle.
189. A male voice said the utility had just passed him at 168 Nerang Street.
190. Senior Constable McInnes rode through an orange light at the intersection of Nerang Street and Minnie Street at about 105km/hour. He was behind GE431.
191. GE431 dashcam showed a police van on the side of road.
192. GE431 dashcam showed Senior Sergeant Murphy proceeding through a red light at the corner of Queen Street.
193. CCTV showed the utility turn right towards Queen Street as it came through the traffic lights. The rear of the vehicle slid out to the right and the front wheels hit the median strip. The car travelled sideways and rolled to the right. It continued to roll and Logan was ejected from the vehicle.
194. Senior Sergeant Murphy was about 150 metres behind at the time Logan was ejected. GE431 was about the same distance behind the motorcycle.

195. As Senior Sergeant Murphy went through the red light he said, “Urgent, urgent, vehicle has rolled, vehicle has rolled, request QAS, one male ejected from the vehicle.”
196. Senior Constable McInnes’ dashcam showed GE431 drive through a red light. The trail bike was in front of him as he approached the crash.
197. VKR confirmed received.

Ethical Standards Command

198. Members from the Ethical Standards Command (ESC) were deployed to investigate the circumstances of the engagement of police units and the pursuit.
199. Detective Senior Sergeant Cameron Herpich and Detective Sergeant David Finlay were tasked with the investigation and attended the scene prior to interviewing relevant police members involved in the pursuit. Various footage and other relevant material were also obtained.
200. At the conclusion of the thorough investigation, a comprehensive Coronial Report, with extensive annexures, was submitted detailing the relevant findings and recommendations.

Interviews

Senior Sergeant Arron Ottoway (GA160)

201. Senior Sergeant Ottoway is the Gold Coast District Duty Officer. His duties include the coordination of operational assets for the Gold Coast.
202. Senior Sergeant Ottoway was sworn in December 1991 and has worked on the Gold Coast since 2006.
203. He participated in an interview with ESC officers at 5.30pm on 9 August 2019.

204. Senior Sergeant Ottoway was one of two DDOs working on the Gold Coast that day.
205. He first became aware of the incident when he heard information about a burglary broadcast over the radio at 9.01am. He proceeded to Maudsland. He heard that a crew (GN441) had been allocated and attended and were following a vehicle which did not stop for them. The crew confirmed they were in pursuit.
206. Senior Sergeant Ottoway advised Comco that Comco was the pursuit controller. He believed it was a pursuable matter because an indictable offence had been committed.
207. Senior Sergeant Ottoway heard that the vehicle had crashed and he organised crews to attend the location and also coordinated a cordon and search of the surrounding bushland. He knew that neither Polair nor the dog squad were rostered on that morning.
208. Senior Sergeant Ottoway said that at no time did he hear the Comco on the radio. He did hear the radio operator (VKR).
209. Senior Sergeant Ottoway became aware that a vehicle had been stolen from Movie World so he moved to the front of Movie World. He drove to Helensvale thinking that the offenders might head that way and he could deploy stingers etc.
210. Senior Sergeant Ottoway listened to the radio but said, "it was extremely difficult to decipher what was going on."
211. He said that the communication skills of police are poor which is due to lack of training and lack of exposure to these types of incidents. He said that he noticed a deficiency in the clarity of the communications and it seemed to be chopping in and out. He said:

It was very difficult to understand who was where and which way the offenders were travelling. And the only clear time I knew where they were was probably maybe twice or three times at max. I had actually no real idea where they were.

212. He said there were real issues with the communications. He said the crews had been telling him that the comms were “rubbish” for the previous twelve hours – since they had been housed in Brisbane. However, he said it was a “normal QPS thing.”
213. He said there was a lack of communication from the crews involved in the pursuit.
214. Senior Sergeant Ottoway said, “it was not what I would call a traditional pursuit.”
215. He said at no time did he hear Comco take control of the pursuit or hear his voice at all. He said that in a normal pursuit:
- You hear the Comco come over and go, are you in pursuit, where are you, calm down, what speed are you travelling at At no stage did I hear that occur.*
216. Senior Sergeant Ottoway said he was aware that the Comco is the pursuit controller under the pursuit policy and that is why he, “verbalised on the air ‘Comco you are now the pursuit controller’” at the beginning of the first pursuit, however, he did not get any response from the Comco.
217. Senior Sergeant Ottoway said that he has a practice of verbalising the pursuit policy to support the crews involved in a pursuit. He advises the crew that he will support them if they decide to disengage so they know they can make that decision.
218. Senior Sergeant Ottoway said that in the past when Comco spoke over the radio that transmission overrode all others but now Comco gets overridden by crews who could consist of very junior officers. He believes that VKR, the RDO and the DDO should override everyone so that they can take control of incidents. He said that QPS doesn’t train its officers to use radio communication under pressure and that is a big failing.

Senior Sergeant Bradyn Murphy (RG900)

219. Senior Sergeant Murphy is an extremely experienced traffic policing officer.
220. He has been a traffic branch police officer, in various locations, since 1987.
221. He was in the driver training unit of the QPS from 1987 to 2004 when he went to the Gold Coast traffic branch where he has remained since. He has been the Officer in Charge of the Gold Coast Road Policing Unit since 2010 and as such, is responsible for all the traffic enforcement management of the Gold Coast district.
222. Senior Sergeant Murphy participated in an interview with ESC officers commencing at 4.13pm on 9 August 2019.
223. He said that he heard about the initial pursuit on the radio and proceeded to Movie World where he saw the utility exit and drive across the concrete island. He said:
- As soon as it's come out he's obviously seen us sitting there*
224. He followed it, with lights and sirens activated, onto the M1. He turned his lights and sirens off at the first overpass and continued to follow the utility. The traffic was moderate to heavy on the M1 at that time. The vehicle was going back and forth across the lanes.
225. He heard another unit calling the location of the utility. He wasn't sure where that police unit was. He heard the DDO or the Comco asking for the location but considered it was pointless him trying to talk as he was on a motorbike so he let the car make the calls and tried to maintain visual on the utility.
226. He heard the RDO giving directions and discussing deployment of stingers.
227. He was assessing the risk and noted that the utility was driving in and out of traffic but nobody was having to take evasive action so he thought he would stay back and try to keep it in sight.

228. Senior Sergeant Murphy took exit 69 and couldn't see the utility so considered that he had lost it, however, he came up behind the vehicle on Southport Nerang Road. It was driving normally at that time but, "He's obviously realised that I'm on a police bike and he's just gone bang on the wrong side of the road."
229. Senior Sergeant Murphy called that in on the radio. He said there were people coming towards the vehicle when it was on the wrong side of the road and they may have slowed down but they didn't have to stop because the utility "was almost hugging the footpath".
230. At that time the vehicle was travelling at about 60 km/hour.
231. Senior Sergeant Murphy said he kept calling on the radio but he didn't know whether those calls were getting through.
232. Senior Sergeant Murphy caught up with the utility in Enterprise Road where he saw it perform a u-turn and drive back towards a police trail bike rider:
- He ... swerved at him and I thought he was going to hit him.*
233. Senior Sergeant Murphy lost the utility again briefly but picked it up again on Olsen Avenue. He heard a crew broadcasting its location. He heard that it went down Hinde Street so followed it down that road. He saw it u-turn in Hinde Street and he also turned around and followed it back up Hinde Street.
234. He followed the utility onto Southport Nerang Road where he activated lights and sirens to get through the traffic.
235. Senior Sergeant Murphy said that he didn't believe he was in pursuit of the utility – he was maintaining a position to monitor the utility.
236. He said he was satisfied that other units were making sufficient calls providing information so he didn't need to.
237. Senior Sergeant Murphy conceded that there were a lot of police units involved in the matter and Logan would have been aware that he was being followed.

238. When asked whether, as one of the most senior officers involved, he considered terminating the pursuit, Senior Sergeant Murphy stated that he was trying to keep the utility under observation and provide that support to the RDO so that they could make that decision. He said:

The way he was driving from the start there is imminent risk the whole time you know

As soon as he goes on the wrong side of the road um you know although people were getting out of his way it's, it's that you know there is imminent risk ... the way he is driving.

239. Senior Sergeant Murphy stated that he was guided by the directions from the senior officers and they were not terminating the pursuit.

240. He said that, whilst the driving was erratic, if he thought the utility was going to hit someone he would have backed off. He said he believed the RDO and DDO had a plan e.g. to deploy stingers, and he was trying to keep the utility under observation until then. He said in relation to the risk involved:

Well I mean obviously a traffic crash is, is, you know we have traffic crashes every day and people lose their life so you know, I guess the way he was driving and his need to get away – I guess the need to stop him was high and that was reinforced to me by the fact that the Comco and the RDO, DDO were still had a plan.

241. He said that Logan:

... seemed to be managing to avoid everybody ... so, yes, there's imminent risk but he still managed to avoid the public

Inspector Raymond Vine (GA140)

242. Inspector Vine was interviewed by ESC at 3.45pm on 9 August 2019.

243. Inspector Vine was the Regional District Officer for the Gold Coast on 9 August 2019.
244. He said it is the function of the RDO to determine whether a pursuit is appropriate and deal with it in terms of reporting.
245. He heard the break and enter job on the radio and proceeded in that direction. The crew which was allocated the job called that the vehicle was not stopping and asked for authorisation to pursue. Inspector Vine advised that they did not need authority, just to be satisfied that it was a pursuable matter. He heard Senior Sergeant Ottoway state that Comco was the pursuit controller. There was no advice from VKR who the pursuit controller was so the senior officer in the PPV (GN441) remained the pursuit controller.
246. Inspector Vine heard that the vehicle had crashed and that Senior Sergeant Ottoway was organising cordons. He continued to head towards the location.
247. After he heard that the vehicle had crashed he enquired with VKR who the Comco was and was advised that it was Sergeant Martin. There was no communication from him during the first pursuit.
248. Inspector Vine said that at about 9.18am he heard that a utility had been stolen from Movie World and then a call that it had been sighted on the M1 at Helensvale. He heard that it was travelling at 150km/hour.
249. Inspector Vine said that since the previous day he had some difficulties with radio transmissions in that they weren't as clear as they should have been and some calls were cutting out. He said it was challenging to get full clarity and full situational awareness around whether a pursuit had actually commenced. There was information that a police unit (GN702) was some distance behind the utility but he didn't believe there was a unit in pursuit.
250. He requested units to deploy to strategic locations on off-ramps of the M1 to potentially deploy tyre deflation devices if it became possible.

251. He heard that the utility had taken exit 69 and asked DTACC to look at the map to establish potential cordons for the deflation device. He heard that the utility had almost collided with a police trail bike.
252. He was assessing the risk and asked a number of times whether there was a vehicle in pursuit but didn't get any response.
253. He heard that the utility was going into a dead end and intended to give some tactical information but he couldn't get on the radio in time for units to push in to stop the utility leaving the dead end. When he heard that it had gone back onto Southport Nerang Road he requested Polair be called out.
254. He heard that the utility had gone through a red light at 100 km/hour and again sought clarification as to whether a unit was actually in pursuit:

It was still very unclear on the radio as to whether units were simply seeing it in the distance or there was a vehicle that was in close proximity with the offending vehicle. Again the radio communications weren't that conducive in terms of transmissions. There were people cutting over the top of each other. At that point I had heard Senior Sergeant Brad Murphy, who was the first officer at the scene of the crash, he'd given an indication that the vehicle was now in the vicinity of Hinde Street ...

Based on the information around the type of vehicle, the road conditions, the speed of the vehicle I was in the process of reaching for my radio to advise that all units are to disengage with that vehicle, and I formed that opinion on my inability to actually get proper situation awareness in terms of whether a vehicle was in pursuit, and the fact that it was travelling towards the Southport CBD. I would say that that decision was within ten seconds of being made ...when I heard the radio transmission from Senior Sergeant Murphy calling for urgent assistance and that the vehicle had rolled over.

255. Inspector Vine said that he was not surprised not to hear from Comco as it probably happens more often than not that there are pursuits and they hear nothing from Comco. He said that in the absence of clear instruction from Comco the decision making falls to the RDO or the DDO.
256. He said that in a pursuit the PPV is the pursuit controller of the pursuit until the Comco assumes that function.
257. He said that his role in a pursuit is to monitor the pursuit, conduct a risk assessment and make sure that it's compliant with policy and not placing anybody at undue risk.
258. He said that he couldn't get information about how close the PPV was to the utility. He knew that the driver was motivated, clearly not stopping and heading to Southport. He assumed that there was a pursuit. As the utility was approaching Hinde Street, and certainly between Hinde and Queen Streets, he was getting to the point of deciding that continued attempts to apprehend the offenders was not warranted.
259. He was trying to ascertain whether there was a vehicle in pursuit or whether police units were just observing the vehicle at different locations but that information wasn't forthcoming so he was about to terminate the pursuit when the utility crashed.
260. He said the lack of knowledge about whether there was a PPV impacted his ability to make a decision to abandon the pursuit.
261. He said if it got to the stage where the risk could no longer be justified he would have terminated the pursuit.
262. He said the radio communications were not as good as usual on his last two shifts.

Senior Sergeant Brett MacGibbon (GA161)

263. Senior Sergeant Brett MacGibbon is an experienced officer having been sworn in in 2000 after serving as a police officer in New Zealand.

264. On 9 August 2019 he was rostered on as the second District Duty Officer for the Gold Coast District.
265. Senior Sergeant MacGibbon heard the details of the first pursuit over the radio but was not close to the area.
266. He heard that a vehicle had crashed and shortly after heard that a utility had been stolen from Movie World. He thought it was the same offenders.
267. He heard that it was being followed on the M1 and then that it had turned off at Southport Nerang Road. He headed in that direction and ended up on the Southport Nerang Road near the Von Bibra car yard.
268. Senior Sergeant MacGibbon saw the utility pass him. He said it was going pretty fast, not weaving but driving pretty quick and behind the utility he saw at least four bikes – two motorcycles and two trail bikes.
269. He saw the utility go around the roundabout at Hinde Street the wrong way and then head down Hinde Street. Senior Sergeant MacGibbon did a u-turn and called in the location of the utility.
270. Senior Sergeant MacGibbon stopped in the middle of Hinde Street and then saw the utility come back towards him. It was driving straight at his police car and he thought they would collide but at the last minute the utility veered away and drove past him. The bikes then passed him as well. He was considering organising the deployment of stingers when he heard that the utility had crashed.
271. Senior Sergeant MacGibbon is of the view that the utility was being pursued from when it was on the M1.
272. Senior Sergeant MacGibbon did not hear any communications from Comco who was the pursuit controller. He said that his understanding was that if the Comco was not in control of the pursuit then the RDO would be in control.

Claudia Nicholls

273. Ms Nicholls was interviewed by ESC officers at 11.05am on 19 August 2019.
274. Ms Nicholls has worked full time as a comms operator at Beenleigh since December 2018 after training for about three months. Her duties as a comms operator included taking 000 calls and actioning those, dispatching crews and notifying them of messages etc.
275. Ms Nicholls confirmed that on 9 August Beenleigh PCC was working out of Brisbane PCC.
276. Sergeant David Martin was the Comco on the day.
277. The comms operators were seated in rows. She was in the front row, there was another row of operators behind her and then Sergeant Martin in the third row. She was facing away from him. Sonia Roberts was sitting beside her.
278. The comms operators for Logan district were sitting behind her. She and Ms Roberts were the comms operators for the Gold Coast.
279. She heard the job come through as a break and enter. It was given a code 2 priority (i.e. proceed lights and sirens). Crews headed to the job and she heard that the offenders took off. The crew advised that the car wasn't stopping and asked if they could pursue. She heard the DDO tell them they could pursue if it was an indictable offence and then heard the crew confirm that they were in pursuit. They asked if force could be used.
280. Ms Nicholls said that she turned around and asked Sergeant Martin if they were able to pursue the vehicle. She wasn't sure if he heard her but one of her colleagues (Emily Harrison, who was sitting in the second row) turned around and told him as well. When the crew asked about the use of force she "yelled out" to Sergeant Martin to ask if use of force was authorised.
281. She heard the DDO call that the Comco was the pursuit controller.

282. The DDO possibly said that stingers were authorised. The crew gave directions as to where they were heading. She heard that the vehicle crashed behind Movie World.
283. Ms Nicholls heard that the offenders stole another vehicle, drove onto the motorway and then through various streets of Southport. There was a prompt for more directions to be given. The vehicle crashed on Southport Nerang Road, Ferry Road.
284. Ms Nicholls said that the job would have come up on her screen and the Comco's screen at the same time. Comco approves the job and the operators dispatch a crew. She spoke to GN441 and told them the details and they proceeded to the job.
285. She said the Comco sees the same information that she does.
286. Ms Nicholls said that the radio was busy with lots of crews saying they were going to help and they were all going in different directions. At times they were talking over each other.
287. Ms Nicholls said that it was unusual that she wasn't receiving any advice from Comco. She said that quite often the Comco gives them advice as to which crews should attend. They give them information to relay to the crews. But on this occasion she didn't receive any instructions from the Comco. She did not hear him acknowledge that he had control of the pursuit.
288. Ms Nicholls recalled hearing that two cars were pursuing the utility. She heard that GN702 was a few hundred metres back.
289. She said there were quite a few units attached to the job. She is not sure how many were actually pursuing – "There were people calling things everywhere."
290. She heard that the utility was on Southport Nerang Road and on the wrong side of the road and then that it was back on the correct side. She said some users weren't calling their call signs, there were a lot of crews.

291. At no time did she receive any directions from the Comco.
292. She may have heard that the utility went onto the wrong side of the road again and then through a red light and then she heard that it had rolled.
293. She said the radio calls were breaking up that day. She said that could be caused by officers not holding the button down fully or if there is a fault with the radio.
294. Ms Nicholls said that Sergeant Martin is a Brisbane Comco and she had never worked with him before.
295. Senior Constable Michelle Phillips was the duty officer for Beenleigh district. She helped Ms Nicholls and passed information on to the Comco during the pursuit.
296. Ms Nicholls said she has no authority to make any decisions re pursuits. The Comco is the pursuit controller and prior to the Comco taking control it is the most senior officer in the PPV.
297. She said that RG900 had not booked on to that job.
298. She said that the Comco had been approving and dispatching jobs prior to this pursuit.
299. Afterwards Sergeant Martin came over and told her that he was going to call over the radio to end the pursuit but then the utility crashed.
300. She said that most pursuits are much better organised than this one. They usually know where the crews are proceeding and organise cordons and send crews to cordon locations.

Sonia Roberts

301. Ms Roberts is a communications operator at the Beenleigh PCC. She was interviewed at 12.28pm on 19 August 2019.
302. Ms Roberts commenced in that role in early 2017.

303. She has been involved in about five previous pursuits all of which were terminated.
304. On 9 August 2019 Logan PCC was operating out of Brisbane. Six officers and staff members from the Beenleigh office were working out of Brisbane including the duty officer, Senior Constable Phillips.
305. David Martin was the Comco for the Gold Coast district. He had never worked with Logan PCC before.
306. Ms Roberts was sitting beside Ms Nicholls. She heard Ms Nicholls yell out something about force and that she needed help. She asked what job she was on and got the job number and brought up the job on her screen. She then helped Ms Nicholls by listening to the radio and helping her type in the information.
307. Ms Roberts commenced listening to the job during the first pursuit and continued assisting on it until the utility crashed. She recalls Senior Constable Phillips coming down to where she was sitting. At that time she was concentrating on typing in as much information as she could as the calls were coming over the radio.
308. At some stage Ms Roberts heard that the Comco was nominated as the pursuit controller and she heard Ms Nicholls yell out to the Comco that he was the pursuit controller. She saw the Comco come down and stand beside Ms Nicholls but she cannot recall when, during the pursuit, that occurred.
309. She said the radio information was scrambled because all the crews were trying to give details and their call signs and the radio was cutting out because they were talking over each other.
310. When she heard that the utility had crashed she took off her headphones and phoned QAS to ensure that they were going to the scene.

311. Sergeant Martin spoke to her and Ms Nicholls a couple of hours later and said that they had done a good job and it was hectic. He said that he was intending to call off the pursuit.
312. Ms Roberts stated her understanding is that the pursuit controller or the crews can stop the pursuit. Previously she has witnessed a Comco terminate a pursuit and she has also heard a DDO terminate a pursuit.

Michelle Phillips

313. Senior Constable Phillips was interviewed by ESC officers at 11.15am on 22 August 2019. At that time she was acting as Comco in the Logan PCC. She has been a police officer since September 2006. She started work in the Logan PCC in May 2016. She did the Comco course in 2017.
314. On 9 August 2019 she was a communications operator. The majority of her job was answering 000 calls and phone calls from QAS, allocating jobs to crews and liaising with the Comco.
315. She said there is always a supervisor in the PCC which is the Comco. They are normally a sergeant. They look at the jobs, check their priority code, go through the job details and liaise with the DDO and the RDO in relation to important jobs.
316. She understands the pursuit policy to be that the crew on the road have to decide whether to pursue in relation to the criteria and the senior officer of that crew is the pursuit controller until the Comco takes over as pursuit controller. Once a crew is in pursuit and the Comco is aware of it the Comco has to acknowledge that he or she is the pursuit controller.
317. On 9 August 2019 she was the duty officer for Logan PCC which was sitting in Brisbane. Her duties included monitoring meal breaks, organising the rosters for the communications operators, liaising with the RDO and DDO if required and organising triangulations.

318. Sergeant Martin was the Comco for the Gold Coast for all of that week while they were in Brisbane.
319. Ms Nicholls was sitting at the row in front of her and Sergeant Martin was sitting behind her. He could see her and Ms Nicholls and Ms Roberts.
320. At about 9am they received the 000 call for the break and enter at Maudsland and Sergeant Martin approved the job as a code 2. She could see on her screen that he had viewed the job on his screen and approved it. She wasn't listening to the job but continued to monitor it on her screen.
321. Ms Nicholls said something about the crew being in pursuit and Senior Constable Phillips called out to her that the crew have to make the decision as to whether to pursue based on whether there was an indictable offence committed. Shortly after she heard the DDO give the crew the same information.
322. Ms Nicholls then said the crew were asking whether they could use force.
323. Senior Constable Phillips said that the following took place:
- I turned around and I said to the, the Sergeant Martin, I said do you know you've got a pursuit going. And he just looked at me and I actually went around and I saw that he didn't have the channel selected.*
- So I saw he had [no channel selected] and he didn't have the speaker turned up. So I said, I turned up the speaker and selected the channel so he could hear it. And I said you know you've got a pursuit happening?*
- He just kind of went "oh" and that was about it. I didn't really hear much from him when, when I had advised him.*
324. When asked whether Sergeant Martin's reaction surprised her, Senior Constable Phillips stated:

Well, yeah, kind of because I guess, when you've got an urgent job like that and you've got crews because I know how, you know, pursuits, how they can end and that kind of thing and you've got to make sure you're covering all bases and I just thought it was a bit surprising that he didn't that was the only code 2 job we had, you'd always be monitoring it because that's kind of, like, an urgent job.

325. Senior Constable Phillips said that when she didn't get any response from him she went back to her desk and monitored the job. She could see on her screen that he wasn't taking any action. She put the call out for a dog squad when it was requested and she called DTACC and told them there was no dog squad available. She called Polair when the RDO requested it.

326. She didn't hear anyone call that they were in pursuit but she knew that a crew had asked about a pursuit and they had asked to use force.

327. She said that as the Comco was not taking any part she felt that there was a lack of control.

328. Sergeant Martin had only authorised one crew to go to the initial job at Maudsland. He was supposed to be authorising the crews and allocating crews to assist.

329. She said there were a lot of crews on the job and they were all calling on the radio:

It felt like every crew that was in the Gold Coast within a certain area was on that job

330. She said if she was in control she would have sent the job to another channel and told all crews to standby to get some oversight of the situation.

331. She believes that the Comco was the only person in the PCC who could abandon the pursuit.

Sergeant David Martin

332. Sergeant Martin was interviewed on 29 August 2019.
333. He was sworn in on 12 December 1991 and, at the time of the interview, he was the PCC supervisor (Comco) in Brisbane. He had worked in that role since 2007 and prior to that was stationed at the Logan PCC. He had approximately twelve years experience working in a PCC. He had been the PCC supervisor since 2008.
334. Sergeant Martin last received training in the pursuit policy in October 2018. He was required to complete it every year.
335. He said that his understanding of the pursuit policy was that the senior officer in the PPV is in control of the pursuit until the PCC supervisor is aware of the pursuit and then they are to be the pursuit controller. If the opportunity arises you announce that you're the pursuit controller and take control of the pursuit, continually do a risk assessment and basically control the pursuit.
336. He has been involved in less than ten pursuits as pursuit controller. He said that he is aware of QPS statistics which indicate that there about two hundred pursuits per annum, state wide. He said the numbers are reducing due to Polair and stingers.
337. Sergeant Martin said that when he arrived at work on 9 August 2019 he was shocked to find that he was rostered as the Gold Coast Comco. That was the first time he had been Comco for the Gold Coast district. He did not know the Gold Coast very well. He said:

The hardest thing is trying to work out um who to send where is having a bit of the lay of the land working where if, if you haven't got a car for a certain division what's the neighbouring division. A little bit difficult when you don't know the um, you don't know it as well as other areas like southside or northside of Brisbane.

338. Sergeant Martin said his radio was "pretty terrible all day, it was difficult to hear crews ... at the best of times." He said it had been like that for

the last four days. Also crews were cutting out because they were not pressing the button on the handset properly. He said he didn't listen to the radio much.

339. Sergeant Martin became aware of the matter when he read about the break and enter on his screen. He approved the job. He recalled getting further prompts or messages on his screen about the job. He wasn't monitoring the radio at that stage but then he read the first pursuit and started listening to the radio. He heard the crew ask for authority to pursue and the DDO answer that it was their decision. He walked up to the radio operator and tried to have a conversation with her but it was quite busy.
340. He believes there was then a short pursuit and once he became aware of it he was the pursuit controller. He was asked whether he was in control of the pursuit and answered, "Via the policy I would be, yes."
341. He heard that the vehicle crashed at Movie World and the offenders were running away. He heard that more units were heading to the scene. GA165 was setting up a cordon and the DDO was talking about it. There were lots of cars. He said he tried to get the radio operator's attention for two or three minutes because nobody had bothered to go to the initial scene of the break and enter and there was a call stating that offenders might still be there. He asked the radio operator to get someone to go to the scene and she put out that call.
342. At that time he was standing beside the radio operator. He did not have his headphones on. He did not think there was a need for him to monitor a foot chase which was what was happening at Movie World.
343. Sergeant Martin stated that he did not announce himself as the pursuit controller during the first pursuit although he was listening to the radio and knew that there was a pursuit.
344. He said that every other crew takes priority on the radio over the PCC and with the radio being constant he didn't interrupt but he probably should have.

345. He said he had no control over the cordon at Movie World and that is not the job of the Comco. He was listening to the radio.
346. He saw the information come in that a car had been stolen from Movie World.
347. He said, in hindsight, he should have asked whether a vehicle was in pursuit when the utility left Movie World and travelled onto the M1 but he heard the RDO asking that question. He didn't believe they were in pursuit at that time.
348. He said that when the utility went onto the wrong side of the road that was dangerous.
349. He was asked whether there was a pursuit at that stage and replied that nobody had said they were pursuing but agreed that it was his responsibility to ask that question and he didn't do so. He said he didn't ask because the RDO was asking.
350. He said he didn't remember hearing the message about the utility going on the wrong side of the road for the second time but agreed that was dangerous.
351. Sergeant Martin said:

A proper controlled pursuit would have the primary, primary unit, a secondary unit, clear and concise transmissions um speed, location, weather conditions, traffic conditions, ah, that would be how a pursuit should be done, yes.

352. He said that when he heard the utility was going 100 km/hour and had gone through a red light he thought:

this whole thing is getting quite dangerous. I said that to the RDO on the phone after ... obviously it's a controlled intersection, hundred kilometres, it's dangerous um and I was thinking at that time this, this needs to stop honestly, um and I don't think I did at this stage because the RDO then asked are you in pursuit ...

353. Sergeant Martin was asked why the Comco is the pursuit controller and answered, "I often wonder that myself."

354. He then said:

They probably imagine you've got a better understanding of what's happening of the incident. You can hear the radio ..., you're not in a vehicle, you're not on a handheld, you're not in a station so you've obviously got an appreciation of being visible, having visibility of the incident and being able to hear the radio easier than others in a car I imagine.

355. Sergeant Martin agreed that during the whole incident he did not transmit over the radio or identify himself or give any instruction. He said during the first pursuit he didn't have time and during the second pursuit he didn't want to interfere.

356. He was asked whether there was a reason why he didn't take any action and said:

Not particularly, no. I think my judgement about the whole thing was probably clouded a little bit by the RDO asking is this a pursuit ...

357. He said the fact that nobody answered that question indicated that they were reluctant to advise what was going on. He said he found it astounding that the crew three back nominated two other crews as being in pursuit – "why wouldn't those crews answer".

358. Sergeant Martin agreed that the pursuit reached the threshold of being a danger to persons several times. He said he was first concerned when the utility went onto the wrong side of the road at 9.23am (seven minutes before it crashed).

Sergeant Kristina Sherer

359. Sergeant Sherer, who was Acting Senior Sergeant and the Duty Officer of the Brisbane PCC confirmed that Sergeant Martin was the Comco

responsible for the Logan PCC on 9 August 2019. She was not aware of the pursuit until after the utility had crashed. She said that although Logan PCC was housed in Brisbane she was not responsible for that unit. They were completely autonomous.

360. She said that it was pre-arranged that Sergeant Martin would be the Comco for the Logan team as they were short staffed. She produced a roster which reflected that arrangement.
361. The Duty Officer stated that the OPMs which provide specifically for Brisbane did not apply to the Logan team who were merely sitting in Brisbane.
362. She said that had the pursuit occurred in Brisbane she would have been the Pursuit Controller and would have announced on air that she was. As the pursuit occurred in the Logan district Sergeant Martin was the Comco.

Senior Constable Hugh Haverson (GE246)

363. Senior Constable Haverson rides a trail bike as part of the Surfers Paradise entertainment precinct group. He is a push bike instructor and has extensive experience in riding a trail bike. The trail bike he rides is bright yellow with blue stripes and has flashing red and blue lights but no siren.
364. Senior Constable Haverson uses an earpiece which is connected to a radio on his belt to monitor the police communications.
365. On 9 August 2019 Senior Constable Haverson was rostered on to work with Senior Constable Barry Slater, also on a trail bike.
366. Senior Constable Haverson was at the office in Surfers Paradise when he heard the job on the radio and that offenders had gone into the bush at Movie World. He heard the DDO say the pursuit was authorised and then heard the crew ask if they could use force. He didn't understand that request. He and Senior Constable Slater decided to head toward

the job as their trail bikes could be of assistance looking for offenders in the bush.

367. They went to Southport Nerang Road heading to Movie World. Senior Constable Slater was ahead of him. When they got to near Cotlew Street they heard that the utility was travelling east along Southport Nerang Road.
368. Senior Constable Haverson knew the utility was approaching their direction so he closed down an intersection. Shortly after the utility drove through that intersection. They then got back on their bikes and followed the utility. Senior Constable Haverson stopped after the Wardoo Street intersection because he saw some police vehicles stopped. He then saw the utility pass him going the other way and turn down Hinde Street. He turned around and followed.
369. Senior Constable Haverson saw the utility coming back up Hinde Street so he stopped and attempted to take a photo of the driver with his BWC but it didn't activate.
370. The utility passed a police vehicle and then passed him and he got back on his bike and continued to follow it. Senior Constable Slater was ahead of him. He saw a couple of motorcycles and one police van following. He decided to back off. Shortly after he heard that the utility had rolled.
371. He arrived at the scene of the accident and saw that Logan was badly injured. He obtained a trauma kit from his bike and took over the administration of first aid. He instructed the other officers to attend to Logan's head wound whilst he applied a tourniquet and a bandage to his leg wound. He spoke to Logan as he did this.
372. Logan asked Senior Constable Haverson if John was ok.

Senior Constable Jason McInnes (RG945)

373. Senior Constable McInnes is a motorcycle officer attached to the Gold Coast policing unit. Senior Sergeant Murphy is his supervisor. He was sworn in in November 2004 and has been in road policing since 2012 and on a motorcycle since 2013.
374. Senior Constable McInnes was doing school patrols when he heard the job come over the radio. He went to Gooding Drive to get into position if needed. He then heard that there was a pursuit on Smith Street. He heard that the utility took the Southport Nerang Road so headed that way. He didn't call that in as he heard the direction to keep the channel clear.
375. He heard that speeds were being called and police units involved so he concluded there was a pursuit in progress.
376. Senior Constable McInnes was on Currumburra Road when he heard the utility was travelling east on Southport Nerang Road. He assumed that the driver wouldn't go into the CBD area so thought it likely that the utility would go onto Olsen Avenue or Currumburra Road.
377. He heard the utility had gone left into Olsen Avenue and then onto the wrong side of the road. He then heard that it had doubled back, gone south on Olsen Avenue and turned left onto Southport Nerang Road. By that stage he was within a couple of hundred metres of the intersection of Southport Nerang Road and Currumburra Road. He saw police vehicles travelling eastbound so figured that was the direction of the utility.
378. Senior Constable McInnes went down past Edmund Rice Drive and then heard that the utility had gone into Hinde Street and it was a dead end. He thought that it could get trapped down there. He cut across the median strip contraflow on the roundabout and then went south on Hinde Street.
379. Senior Constable McInnes saw a lot of police cars. He saw a car pull up, he saw a trail bike rider pulled over. He then saw the utility "going at excessive speeds going in the opposite direction". There were police

vehicles doing u-turns and going back. He also did a u-turn behind the utility and headed south to the roundabout. He got in behind “a lot of other police vehicles” and drove east. That was the last time he saw the utility until he attended the crash.

380. Senior Constable McInnes travelled through a red light at the intersection with Wardoo Street under lights. He continued past Minnie Street and thinks he saw Senior Sergeant Murphy in front of him with his lights turned off. He thought they had lost the utility. He said it’s common practice to turn one’s lights and siren off immediately after they lose the vehicle they are pursuing.
381. When he got to the crash Senior Sergeant Murphy was there kneeling beside Logan and asked for a first aid kit. By that time Senior Constable Haverson had also arrived so they got his first aid kit and then took it back to Senior Sergeant Murphy.
382. Senior Constable McInnes said that the radio comms were “messy” but that was not unusual. He heard Senior Sergeant Ottoway’s direction not to call unless absolutely necessary.
383. As Senior Constable McInnes was coming down Southport Nerang Road, he saw two motorcycle riders. He saw two more motorcycle riders just before he turned into Ross Street.
384. When the utility turned onto Olsen Avenue he saw a police motorcycle which he assumed was Senior Sergeant Murphy.
385. As he came through the intersection he saw, “I really don’t know how many police vehicles, I just saw a cluster of police vehicles.”
386. As he went past Edmund Rice Drive he saw a police van, another white dual cab police vehicle, another vehicle in front and a couple of other vehicles including one trail bike.
387. He said the utility was driving fast as it came out of Hinde Street. At that point Senior Sergeant Murphy was probably 100 metres behind the utility. Senior Constable McInnes did a u-turn directly behind Senior

Sergeant Murphy. There was a couple of police vehicles in front of him that were blocking Hinde Street. There was a police van blocking the roundabout. There was another sedan to his left.

388. Once the utility came out of Hinde Street all the police vehicles followed behind it.

Senior Constable Troy Hamilton (GN702)

389. Senior Constable Troy Hamilton was interviewed on 12 August 2019. He was sworn in March 2012. He is stationed at Coomera police station.

390. At about 9.30am on 9 August 2019 Senior Constable Hamilton was at the station performing normal duties. He heard the break and enter job at Maudsland on the radio. When he heard that the Nissan had crashed at Movie World he thought he may be able to assist as he knew that area quite well. He got his accoutrements and Senior Constable Stutz organised a vehicle for them to take out. He was the front passenger, Senior Constable Stutz was driving and Constable Wilson was in the back seat.

391. As they left the station there was so much traffic on the radio that he went to channel 261 and booked on and advised that they were available if required. Then he went back to channel 202 which is the main channel for the area.

392. They were near Top Golf at Oxenford when he finally got on the radio and asked Sergeant Finlay where he wanted them to go. He advised they should go to Movie World and take up with security and go to the back fence.

393. They went through the main entrance at Movie World and stopped to speak to a security officer to get access to the back gate. They proceeded but soon after another security officer ran up and told them a utility had been stolen. He tried to get on the radio but was unable to because of the multiple police units "just talking all over the radio."

394. They drove up onto the motorway and as they merged he could see two sets of police lights in the fourth lane. He believed it was the vehicle of Inspector Vine.
395. At this time Senior Constable Hamilton believed that a pursuit had been initiated and his crew were involved in that pursuit.
396. He considered that the PCC was the pursuit controller. He recalled hearing a transmission stating that the Comco was the pursuit controller.
397. Senior Constable Hamilton got on the radio and called that they were proceeding down the highway. Senior Constable Stutz was driving and moved into the fourth lane.
398. Between exit 62 and exit 66 the road was straight and elevated and he could see police vehicles with flashing lights several hundred metres down the road, still in lane four.
399. Senior Constable Hamilton heard the RDO asking for information about the location of the utility. There was no response so he advised of the direction and speed of travel and traffic on the road. They then took exit 69 and then travelled onto Southport Nerang Road.
400. Senior Constable Hamilton and Senior Constable Stutz were discussing making themselves available for a cordon if required. They turned into Stewart Road but realised that the utility wasn't there. Sergeant Oliver pulled up beside them and they had a conversation and then heard that the utility was on Currumburra Road. They did a u-turn and came out of Stewart Road onto Southport Nerang Road and continued eastbound.
401. Senior Constable Hamilton looked at Senior Constable Stutz and asked if she was okay as they had been urgent duty driving for a couple of minutes and he wanted to make sure she was calm and in control and making smart decisions. She replied that she was okay.

402. They heard that the utility had gone into Hinde Street and Senior Constable Hamilton asked Constable Wilson if they had stingers. She said there were none in the vehicle.
403. When they got to the roundabout, Senior Constable Stutz asked if they should proceed around the roundabout the wrong way and Senior Constable Hamilton advised that no dangerous operations were to be conducted and that she was to proceed the right way.
404. As they were exiting the roundabout he saw the utility coming at them at speed. They were right at the top of Hinde Street. Senior Constable Hamilton saw a police sedan and a motorbike come out of Hinde Street behind the utility. They followed those vehicles and as they exited the roundabout could see downhill. They saw the utility go through the intersection on an orange light. They were about 200 to 300 metres behind it.
405. Senior Constable Hamilton then saw two police motorbikes pass them. One was a road bike and one was a trail bike.
406. They proceeded through the intersection after slowing and Senior Constable Hamilton was satisfied that it was safe to do so and provided that information to Senior Constable Stutz.
407. Just before proceeding through the red light, Senior Constable Hamilton was heard to say on his body worn camera, "Shut up, don't call that."
408. He explained that another crew member had said that the car nearly crashed going around the right hand bend and he didn't agree that it had nearly crashed so didn't wish to transmit that.
409. After they went through the intersection the RDO asked for information about the utility again. There was no response so Senior Constable Hamilton called that it was travelling eastbound on Southport Nerang Road. Seconds later he heard that it had rolled. Thirty seconds later they arrived at the crash in Queen Street.

410. Senior Constable Hamilton heard that the injured person was Logan Dreier. He knew Logan so went up and identified him. He then went into shock and sat in the car for a couple of minutes until he had calmed down.
411. Senior Constable Hamilton said that he was continually assessing the risk to his crew, the public and other officers. He was assessing Senior Constable Stutz's demeanour as well. When he saw the utility on the motorway he considered it was driving at speed but not dangerously. He didn't consider that he needed to abandon the pursuit at any time.

Senior Constable Matt Gilles (RG962)

412. Senior Constable Gilles was interviewed by ESC officers on 13 August 2019. At that time he was an Acting Sergeant of the Coomera Road Policing Unit.
413. He is a senior road policing officer and has been riding a motorcycle since 2014.
414. On the morning of 9 August 2019 Senior Constable Gilles was working at the Coomera State School. He was heading back to the station when he heard about the job and asked if he could be of assistance. VKR told him to attend code 2.
415. As he was heading towards Movie World had head Senior Sergeant Murphy saying that the utility had been stolen and was southbound on the motorway at Helensvale. He entered the motorway heading north and saw two motorcycles going south. They both had lights activated. He had lights and siren activated. He did a u-turn as soon as he could with the intention of catching up to them as he was not receiving any information on the radio.
416. Senior Constable Gilles heard the DDO or RDO ask if anyone was in pursuit and he called in that there were two motorcycles in pursuit. He

couldn't make any further assessment at that time as they were too far ahead of him.

417. He caught up with another two motorcycles after Southport Nerang Road – he thinks it was RG900 and RG942 and then heard the radio call that the utility was on the wrong side of the road. He exited onto Nerang Broadbeach Road and headed in the direction of the utility with the intention of assisting to set up a cordon or to report sightings of the utility.
418. He was on Currumburra Road when he heard the utility had gone into Hinde Street. He pulled over as he didn't know where that was and put it in his GPS. He then did a u-turn and turned right onto Southport Nerang Road. As he did that he said there were police cars everywhere – a DDO and RDO nearby, a marked car behind him, and an unmarked motorcycle ridden by Sergeant Young.
419. He continued toward Wardoo Street and then heard that the utility had crashed so he went there code 1 to assist. When he arrived at Queen Street there was a marked police sedan directing traffic, there were multiple police cars there, vans, sedans, a couple of motorbikes and two trail bikes. Sergeant Young, on an unmarked police bike, pulled in just before him.
420. From the radio calls he assumed that Senior Sergeant Murphy was the PPV and therefore in control of the pursuit.
421. He found it hard to get onto the radio because there were too many people trying to get on at the same time.

Constable Bradley Harris (GE431)

422. Constable Harris was interviewed by ESC officers at 6.20pm on 9 August 2019. He was sworn in 2007 and started working on the Gold Coast in 2012. He was in GE431 – the main response car for Surfers

Paradise – with Constable Flesser. It is a marked Holden Commodore. He was driving the car.

423. They were at Benowa Road when they heard the break and enter job. They headed towards it and then heard that the vehicle had been abandoned behind Movie World. They decided to head back to Surfers Paradise because there were enough crews on the job.
424. Shortly after turning around they heard that the utility had been stolen and was heading south on the M1. They turned around again and headed towards the M1. They struggled to call it on the radio because comms was very busy.
425. They were on Southport Nerang Road and heard that the utility was eastbound on that road so they mounted the median strip, did a u-turn and headed east. They turned left into Olsen Avenue and as they approached Industrial Avenue saw the utility coming towards Olsen Avenue so they stopped on the road, with lights and siren activated.
426. As the utility came out onto Olsen Avenue it went straight onto the median strip, onto the incorrect side of the road and then straight onto the footpath on the wrong side of the road. The utility was travelling at about 40km/hour on the footpath. There were cars coming and the utility did a u-turn in front of them and headed south on Olsen Avenue.
427. Constable Harris headed north on Olsen Avenue and did a u-turn at the next intersection. He had lost sight of the utility but could see a motorcycle police officer with his lights on so he headed in that direction south on Olsen Avenue and turned left into Southport Nerang Road.
428. At that point there was three or four police cars ahead of them.
429. The utility went into Hinde Street. As Constable Harris approached the roundabout the utility came out in front of their car and turned right onto Southport Nerang Road. At that time he was 30 metres behind the utility. A police motorcycle overtook Constable Harris' car and went directly behind the utility. Constable Harris backed off a little bit.

430. Soon after he heard that the utility had rolled.
431. He thought that the Comco was in control of the pursuit. He also heard an RDO, a DDO and DTACC on the radio.
432. Constable Harris said that he was the PPV when the utility came out of Industrial Avenue and went onto Olsen Avenue. When the utility went onto the wrong side of the road and into Hinde Street the motorcycle was the PPV.
433. Constable Harris said that Logan was driving erratically and at excessive speed. He said he was monitoring the risk and considered that it was warranted and the pursuit should be continued. He heard that he had nearly run over a police officer and considered that the utility needed to be stopped.
434. Constable Harris said that had he deemed the pursuit to be too dangerous he would have pulled over, deactivated lights and siren and advised Comco that he was pulling out because it was getting dangerous.
435. Constable Harris said that when he could see the utility and the motorcycle on Southport Nerang Road shortly before the crash, they were about 400 metres in front of him. The bike was 50 to 100 metres behind the utility.

Sergeant Robert Finlay (GA165)

436. Sergeant Finlay was interviewed on 3 September 2019.
437. At the time of Logan's death Sergeant Finlay was the District Duty Officer in DTACC at Surfers Paradise.
438. He said that DTACC is a tool to support the district – it is a district tasking coordination centre and it manages the demand for service by tasking crews in the Gold Coast area. The DDO in DTACC supports the DDO and RDO on the road as they have access to maps and other

tools which the on-road officers don't have. They can use such tools, for example, to organise a cordon.

439. Sergeant Finlay was aware of this event from when the first job came up on his LCAD screen.
440. He monitored it until the first pursuit began. At that time he realised that the crew in pursuit did not understand the pursuit policy as the officer had sought authorisation to pursue which is not in accordance with the OPM.
441. He heard the DDO request information. He said by that time the radio was getting a bit noisy due to the number of crews on the air. He did not hear the Comco take control of the pursuit.
442. He said it was a high-risk situation and a constant risk assessment needed to be undertaken throughout the event. He was waiting for the Comco to take control of the pursuit – the RDO and DDO can only provide advice, sitreps and other information to assist the Comco to make decisions.
443. Sergeant Finlay heard that the vehicle had crashed at the back of Movie World and then Senior Sergeant Ottoway asked for his assistance in setting up a cordon to locate the offenders.
444. Sergeant Finlay started setting up a cordon, utilising his mapping tools and moving crews by the radio.
445. He then heard that a vehicle had been stolen from Movie World. At that time the first pursuit had ended.
446. He heard that the stolen vehicle was heading south on the M1 but it was “hard to understand” what was happening. He didn't know where the police crews were. There was a lot of radio traffic. He could hear traffic branch saying that they could see the vehicle in the distance. The RDO was trying to get clarification.
447. Sergeant Finlay heard discussion about getting in front of the vehicle to deploy stingers.

448. He said he did not hear anything from the Comco and “for this incident I would have expected to hear something.”
449. He said there were opportunities for the Comco to get on the radio but he didn’t hear anything at all.
450. He said the RDO was trying to get information but the people who could see the vehicle weren’t giving information as to its manner of driving, its speed, the road conditions etc which made it difficult for the RDO to have any appreciation of what was actually happening.
451. Sergeant Finlay said that as the RDO was not obtaining sufficient information he could have just stopped all crews involved in the incident but it would be difficult to make that decision because of the lack of information. At times they had, “no appreciation of where it was or whether it was actually with police or not.”
452. Sergeant Finlay said that nobody called the pursuit.
453. Sergeant Finlay said:
- Pursuits are something that are ... not really engaged in any more ... the one learning I got out of this is how deskilled our people are in relation to pursuits and what to do whereas drawing on ... Polair experience and working with New South Wales police, we have cars drive over that border and they are perfectly versed, perfectly organised. They know what to say on the radio. They know what to do. They know how they’re going to manage the situation and it’s often resolved.*
- I don’t know if it’s a training issue or what it is but the myth that’s been propagated up here in the no pursuit policy has junior officers believing that there is a no pursuit policy when, you know, there actually is. Where we saw in this they’re asking for permission instead of making that decision.*
454. Sergeant Finlay said that there was a reluctance for people to step up and say they are in pursuit because they fear they are going to get

investigated. They think it's something they're not allowed to do and they don't understand that if it is justified they can engage in a pursuit.

455. Sergeant Finlay said that he was not of the opinion that the pursuit should have been abandoned but he would have had a change of mind had it gone into the Southport CBD. He said he would probably have phoned the DDO or RDO at that time.

Sergeant Ian Hayden (RG942)

456. Sergeant Hayden was interviewed on 12 August 2019. Sergeant Hayden was in the Gold Coast Road Policing Unit and had been in Traffic Branch for some 28 years and rode a motorcycle in that role. His direct supervisor was Senior Sergeant Bradyn Murphy.
457. He heard about the break and enter on his radio and was travelling northbound on the highway when he saw other police vehicles go past under lights and sirens heading to Movie World. He proceeded towards Movie World to assist with the cordon.
458. He was close to Movie World when he heard about the stolen vehicle and he looked across the car park and saw the vehicle cross Entertainment Drive, go under the motorway, jump the centre island and turn right onto the on-ramp and head south on the M1.
459. Sergeant Hayden said:

I took up a position there behind them, and they were leaving me behind. I was travelling with ... Senior Sergeant Murphy at that stage ... I could see the vehicle going from the left shoulder across, through traffic right shoulder and that. It did that several times ... I knew there was a marked car behind us somewhere because he was giving an update over the radio as to where we were and speeds and things like that.

So we've gone southbound... And this has continued all the way through to Nerang Southport Road, off ramp ...

Senior Sergeant Murphy has gone off after the white ute there. There was a lot of chatter on the radio, and I remember getting on the radio, it was the first chance I got to get on there to tell them that they'd turned off and gone left And then I continued down to Nerang Broadbeach Road.

460. Sergeant Hayden said he activated lights when he first saw the vehicle go through the red light on Entertainment Drive. He said, "And that's when I knew there was going to be a pursuit, from there."
461. He said when he and Senior Sergeant Murphy were following the vehicle on the M1 there was another police vehicle behind them which was calling location and speed. He didn't do so because there was too much chatter on the radio. He said Senior Sergeant Murphy was in front of him at that time.
462. He was asked whether a pursuit had been called at that time and said that the pursuit had been called and approved by the RDO and the Comco was the pursuit controller.
463. Sergeant Hayden said the vehicle was weaving in and out of traffic on the M1 and the distance between the vehicle and the police bikes was increasing.
464. Sergeant Hayden said he saw Senior Sergeant Murphy exit the M1 and then heard the car behind him radio that the vehicle had gone straight ahead so he got on the radio and advised that it had gone eastbound on Nerang.

ESC Conclusions

465. Having considered the circumstances of the pursuit, which ultimately culminated in Logan's death, the ESC investigators identified a number of areas of concern in relation to the conduct of the police officers involved, which are summarised below.

Supervisory issues

466. Investigators concluded that there was a lack of effective command and control of the incident as the utility exited Warner Brothers Movie World until it crashed. Whilst clarity was sought by the RDO as the incident unfolded, the lack of clarity should have been the cue for the pursuit to be abandoned by either the RDO (Inspector Vine) or Comco (Sergeant Martin), who was the pursuit controller pursuant to the Policy. This coupled with the lead unit RG900 pursuing the stolen vehicle as it was driven at speed and on the incorrect side of the road on two occasions, *“created an undue risk to the other road users”*.
467. Investigators were particularly concerned about the on-ground practice in place, which demonstrated an erosion of the safe driving policy, resulting in unsafe driving practices. The primary concern of the investigators was the risk versus benefit of continuing to follow the stolen vehicle given the elevated risk to other road users as is required by OPM 15.5.3. It was noted that there was a concerning practice for officers to operate outside the policy and leverage the ‘protracted follow’ provisions, which fails to enliven the continual risk assessment safeguard.
468. During the inquest, Detective Senior Sergeant Herpich stated that in his view, there were other means by which to identify the offenders. As such, the risk, whilst subjective to the officers involved, wasn’t justified according to the assessment to be undertaken pursuant to the OPM’s. A pursuit is inherently dangerous, and it was important for there to be someone in command to make the necessary decisions, which was lacking in this case.

Management issues

469. Pursuits on the Gold Coast are routinely reviewed by the Gold Coast District Significant Event Review Panel (SERP). Pursuits on the Gold Coast have been discussed regularly as an area of concern, however,

is difficult to control as adherence to the OPM's must be operationally driven by supervisors and lower-level officers.

Organisational issues

470. Investigators noted that there seemed to be a 'significant' disconnect between the operational practice and QPS policy. The intent of the Safe Driving Policy is to ensure that members undertake their functions with due care and attention without exposing the members of the public to unjustifiable risk. Driving vehicles in a manner, which causes "unjustified risk" is contrary to this function. Investigators stated:

There was consensus regarding a deliberate attempt to circumvent the policy that has now morphed into a common practice of maintaining radio silence and not using the word 'pursuit' over the radio. The introduction of the evade offence has furthered this practice with an overuse of the 'Protracted follow provisions' as justification to follow a stolen vehicle for an extended period without calling a pursuit.

471. During the inquest, Detective Senior Sergeant Herpich was asked about the practices that indicated officers may have been circumventing the policy. He indicated that it was clear Inspector Vine was attempting to obtain situational awareness, however, sitreps weren't being provided by the crews involved in the pursuit.
472. Investigators determined that some of the aspects of the Safe Driving Policy were ambiguous, which may have influenced the decisions during this incident. It appears there may be a conflict between the "Protracted following of a vehicle provisions" in OPM 15.4.6, which indicates that the continued following of a vehicle where the vehicle is committing a driving offence or avert act to avoid detection may constitute a pursuit. However, the Pursuits provisions at 15.5 of the OPM's state that the definition of a pursuit does not apply to the Protracted provisions and attempt to intercept a vehicle.

473. Ultimately, investigators noted that police are lawfully entitled to pursue vehicles driven by offenders, who have committed a breach of the law, as Logan and John had. They considered it arguable whether, given the serious nature of the offences committed, the commencement of the pursuit was justified.

Recommendations

474. ESC investigators made the following recommendations:
- QPS consider the current policy wording of Chapter 15 of the OPM's in view of the perceived and apparent inconsistencies;
 - QPS reinforce the Safe Driving Policy through continuous training, refinement and where required, improvement to reduce the risk of a similar event occurring.

Disciplinary action

475. Parallel to the coronial investigation, ESC investigators also considered whether the actions of police involved in this incident were in accordance with QPS policy, in particular the Safe Driving Policy. As a result, a disciplinary report was prepared in relation to Inspector Vine, Senior Sergeant Murphy and Sergeant Martin on the basis that there was sufficient evidence upon which a prescribed officer could make a finding against each, namely a failure to comply with the Safe Driving and Pursuit Policy.

476. Local Management Resolution Plans were formulated with respect to each of the identified members, which mainly consisted of further online training programs.

The Inquest

477. The inquest took place at Southport, over six days, from 19 July to 23 July and 28 July 2021.

478. Twenty-three witnesses gave evidence.

479. The issues explored at the inquest were:

- The findings required by s 45(2) *Coroners Act* 2003;
- The adequacy and appropriateness of the decision and actions taken by various members of the QPS to follow the vehicles containing Logan, including but not limited to, whether such actions were contrary to the interests of community safety;
- The overall management of the pursuit of the vehicles containing Logan by the QPS, including whether the police officers involved acted in accordance with the applicable QPS policies and procedures;
- The adequacy of the QPS investigation into the circumstances surrounding Logan's death;
- Further actions, if any, which could be undertaken to prevent a similar incident from occurring again.

Witnesses

Detective Senior Sergeant Herpich

480. Detective Senior Sergeant Herpich very helpfully attended the inquest and heard the evidence of every witnesses. He was recalled as the last witness. He said that, after hearing the evidence, he was of the view that QPS should consider providing further training to officers in relation to pursuits.

Senior Constable Paris

481. Senior Constable Paris estimated that the utility was travelling at least 93 km/hour when it hit the median strip before rolling in Queen Street.

482. He concluded that Logan was driving and neither Logan nor John were wearing a seat belt.

483. He concluded that the pursuit was a risk to the public.

484. He stated that, had Logan been arrested, he would have been charged with dangerous driving constituted by driving in the break down lane of the M1, driving over the median strip onto the wrong side of the road, performing a u-turn in Olsen Avenue in front of oncoming traffic and mounting the footpath.

John

485. John was 17 years old on 9 August 2019. He had been friends with Logan for some years. That morning they decided to break into a house to steal property to sell. They went to a nice house that looked to be empty. When they broke in an alarm went off.

486. They were driving away from the house in John's car when they saw the police who commenced to chase them. John's car slid out at Movie World and they took a car that an employee had left open. John started driving the utility but Logan knew the area better so they swapped seats and Logan drove from inside Movie World.

487. John said they stole the utility to get away from the police. They knew the police would be coming to chase them. He said that they were driving fast to get away from the police. They knew they were driving dangerously and he knew they should stop but on other occasions the police had stopped pursuing when he drove dangerously and he had lost them.

488. John said that the motorbike was behind them the whole time. They thought the bike might stop following them if they drove dangerously but it didn't. They decided to drive until they couldn't drive any further, until they were boxed in by the police or ran out of petrol. He didn't give any thought to the danger they were in.

489. John saw four or five cars and two motorbikes chasing them.

490. John said that had the police stopped following them they would have driven somewhere and ditched the car.

QPS Witnesses

491. Numerous police officers and QPS employees gave evidence at the inquest. In relation to the issue of the adequacy and appropriateness of the decisions and actions of officers and the overall management of the pursuit, the evidence concentrated on the following topics:
- whether there was, in fact, a pursuit and when it commenced;
 - whether a pursuit was authorised under the relevant QPS policy;
 - who was in control of the pursuit;
 - at what point the pursuit should have been abandoned;
 - general understanding of the QPS pursuit policy and whether it requires amendment;
 - pursuit training available to police officers; and,
 - radio communications during the pursuit.

Commencement of the Pursuit

492. All police witnesses agreed that there were two separate pursuits – the initial pursuit of the Nissan Pulsar and the second pursuit of the utility.
493. The initial pursuit was conducted by two constables. They did not have a full understanding of the pursuit policy as they considered that they had to request authorisation from VKR, however, Senior Sergeant Ottoway, the DDO, took control and provided guidance and ensured that they conducted continual risk assessments.
494. Senior Sergeant Murphy gave evidence that he was not in pursuit of the utility until it emerged from Hinde Street. He said that prior to that he was following it but not pursuing it.
495. Inspector Vine said that he was not aware of the pursuit on the M1, he did not know that Senior Sergeant Murphy was behind the utility and that he was in pursuit. He said that, having seen the footage, he is of the view that Senior Sergeant Murphy was in pursuit on the M1 and if

he knew that the bike was travelling at 174km/hour he may have been concerned enough to terminate the pursuit on the M1 as the risk to the public may not have been justified.

496. Senior Sergeant MacGibbon considered that the utility was being pursued from the outset.
497. Senior Constable Haverson said he was aware that there was a pursuit in progress when he stopped the traffic at the intersection of Kamholz Court and Southport Nerang Road.
498. Senior Constable Hamilton believes that the pursuit was occurring from about the point that the utility turned into Stewarts Road and he based that belief on the information that was coming over the radio.
499. Sergeant Finlay said that he could not initially determine whether there was a pursuit but then it became obvious that the vehicle was continuously being followed by police. He said there was definitely a pursuit in progress around the industrial estate at Southport.
500. Sergeant Hayden said that the pursuit started when the vehicle went through a red light on Entertainment Drive before it entered the M1. That is when he activated his lights and siren. He said the driver was desperate to get away, he drove over an island at speed and it was a stolen vehicle. However, he doesn't recall whether he called the pursuit over the radio.
501. Senior Constable McInnes said that it was difficult for him to ascertain the location of the utility and the police units involved in the pursuit.
502. He believed that there was a pursuit in progress as there must have been police units in close proximity to the utility and he heard the DDO discussing the use of stingers.
503. He said that his role was one of support in that he may have been needed to get to a location quickly if it became necessary to apprehend the offenders.

504. Although Senior Constable McInnes believed there was a pursuit in progress he didn't consider that he was in pursuit as he could not see the utility for most of the time. He said that if he could have seen the utility he would have provided sitreps over the radio.
505. Detective Senior Sergeant Herpich is of the view that police were conducting a pursuit from when the utility left Movie World and was followed by police vehicles. At that time the utility had crashed through the boom gates and it was clear that Logan knew the police were following him and he was not intending to stop. He stated that all cars following Logan from then were involved in a pursuit regardless of whether they had the utility in their sight.

Control of the Pursuit

506. Detective Senior Sergeant Herpich gave evidence that the QPS policy mandates that the senior officer in the primary pursuit vehicle (PPV) is in control of the search until the Comco takes over. Once the Comco is aware that a pursuit is in progress that officer is required to acknowledge that they are in control of the pursuit.
507. Senior Sergeant Ottoway said that the Comco is always in overall control of pursuits.
508. In relation to the first pursuit he said that he felt that he had control, however, he could not get an understanding of what was happening and where the utility was during the second pursuit.
509. He said that in his experience the second pursuit was not a typical pursuit. He struggled to gain an understanding of what was happening and there was a lack of information coming over the radio.
510. He believes that police officers are reluctant to state that they are in pursuit.
511. He expected Comco to acknowledge that Comco was the pursuit controller but that did not occur.

512. He said that communication between the PPV and Comco is critical in control of a pursuit and that didn't occur in this case. He said that Comco was responsible for organising all vehicles involved and to consider all the circumstances of the pursuit in a holistic way.
513. Inspector Vine said that when the Comco became the controller he should have come on the radio and acknowledged that fact and taken control of the pursuit. He said that there is no ability for the RDO to be the pursuit controller – it is either the Comco or the PPV. However, he conceded that he could have called the pursuit off as could the Comco or the DDO.
514. Inspector Vine said that DTACC was best placed to organise cordons as they can see the location of the units on their map and QLite whilst the RDO and the DDO are driving and can only listen to the radio.
515. Inspector Vine said that the fact that the Comco was at Brisbane and had no local knowledge was an anomaly, however, he has previously experienced Comco not taking active control or being as involved in pursuits as they should be.
516. Senior Constable McInnes said that he believed there was a pursuit controller as per the OPMs. The main call he heard in relation to control of the pursuit was a request to get cars in front of the utility to set up stingers.
517. Senior Constable Hamilton believed that the pursuit commenced at Stewarts Road and at that point the unit with “eyes on” the utility would be in control of the pursuit.
518. Senior Constable Hamilton said that he didn't know who the PPV was and didn't know who was in control of the pursuit. He said according to the OPMs the PPV and then the Comco was responsible for pursuits. He said there were no communications coming from Comco. He thought the RDO was taking control as he heard his communications.
519. Senior Constable Gilles said there was an unusual lack of information coming from PCC during the pursuit. He thought RG900 was the PPV

and he thought he heard Comco nominated as the pursuit controller. He assumed that Comco was the pursuit controller but he considered that as the RDO and two DDOs and DTACC were all on duty there was a sufficient level of control without Comco.

520. Sergeant Finlay said he didn't know which unit was the PPV because that information wasn't transmitted – nobody said they were the lead vehicle. He said that there was no attempt by the Comco to take control of the pursuit. Sergeant Finlay said that he was not aware that RG900 was the PPV. He said that even though it can be difficult to transmit from a bike he would have expected RG900 to respond with information.
521. Sergeant Hayden said he would have been the PPV had Senior Sergeant Murphy not been in front of him. The car behind them could not overtake them due to the speed and acceleration capability of the bikes.
522. Sergeant Hayden accepted that neither he nor Senior Sergeant Murphy advised that they were the PPV or provide any information about the pursuit whilst they were on the M1.
523. Claudia Nicholls said that she was trained that when a pursuit commences she is to notify the Comco who becomes the pursuit controller.
524. She said she yelled out to the Comco that there was a pursuit but she doesn't know whether he heard it. She asked Emily Harrison to advise Sergeant Martin that a pursuit was on. He should have been able to see the job on his screen. Comco would normally acknowledge that they are the pursuit controller.
525. She doesn't know whether Sergeant Martin was listening to his radio.
526. She said that during the conversation she had with Sergeant Martin after the pursuit it became clear to her that he knew of the pursuit from when it commenced.

527. She said she didn't know which unit was the PPV – it could have been a few units.
528. Sonia Roberts said that it was usual for a Comco to monitor a job and engage with the dispatcher to give instructions to the crews, as pursuit controller. She recalled Sergeant Martin coming down to stand next to Ms Nicholls but could not recall him saying anything.
529. She said that when she acts as Comco she always has the appropriate channel selected but Sergeant Martin had none. He was sitting in front of his screen but she does not know what he was doing. He didn't speak or talk to anyone until after the utility crashed. There was no communication from him during the entire incident and he did not take control of it at all.
530. Ms Roberts said that from the conversation she had with Sergeant Martin after the incident she understood that he knew that there was a pursuit in progress.
531. Senior Constable Phillips said that, had she been the Comco, she would have directed the pursuit be abandoned when she first heard that the utility had travelled on the wrong side of the road.
532. Senior Constable Phillips said a Comco should know the location of the vehicle, its speed and how many crews are pursuing it. If a Comco is not getting that information they should take control of the calls.
533. Surprisingly, by the time he appeared at the inquest Sergeant Martin had changed his mind about whether he was the pursuit controller. In his interview with ESC he had accepted absolutely that he was the pursuit controller however, in court, he said that because he was situated in Brisbane, under the pursuit policy the duty officer becomes the pursuit controller. He said the duty officer on 9 August 2019 was Acting Senior Sergeant Kristina Sherer.
534. Sergeant Martin was asked why he accepted that he was in control of the first pursuit and not the second. He said that he was the pursuit controller for the first pursuit because the duty officer didn't have time

to take control of that pursuit so he was in control. He said that by the time of the second pursuit the duty officer was aware of the situation so she was the controller.

535. However, Sergeant Martin said that although it was his job to notify the Brisbane duty officer of the pursuit and he did not do so.
536. He said he thought the driving of the utility was dangerous but didn't give an order to abandon the pursuit or speak to the duty officer about it.
537. Sergeant Martin conceded that during his interview with ESC he believed that he was the pursuit controller but said that on 9 August 2019 he believed that the duty officer was the controller. He could not explain why he did not say that when he was interviewed and questioned at length about his lack of action as pursuit controller.
538. Senior Constable McInnes said that he has been involved in a number of pursuits. He said that the OPM requires that, if a motorcycle is the PPV, that role should be handed over to a four-wheeled vehicle as soon as possible.
539. Detective Senior Sergeant Herpich concluded that there was a lack of command and control exerted by Senior Sergeant Murphy, Inspector Vine and Sergeant Martin.

Abandonment of the Pursuit

540. The pursuit was not abandoned at any time.
541. Detective Senior Sergeant Herpich gave evidence that a pursuit should be abandoned when the risk associated with it becomes too high. He is of the view that the pursuit should have been abandoned when the vehicle first crossed to the wrong side of the road and definitely when it drove on the footpath on Olsen Avenue.
542. Senior Sergeant Ottoway said that offenders now believe that the more dangerously they drive the less likely police will pursue them.

543. Senior Sergeant Murphy said that he has abandoned pursuits on numerous occasions. He has abandoned when cars drove on the wrong side of the road or through red lights and when other traffic had to take evasive action.
544. In this case he said that the driving on the wrong side of the road was not necessarily dangerous and he was assessing the risk pursuant to the OPMs.
545. Senior Sergeant Murphy disagreed with the proposition that Logan's driving was erratic and unpredictable but, inconsistently, stated that he had not foreseen that Logan would cross to the wrong side of the road and mount the footpath.
546. Inspector Vine said that taking into account the lack of clarity, the lack of situational awareness and his review of the video footage he considers that the gaps in information hindered his ability to make informed decisions and in hindsight, he should have directed disengagement earlier.
547. Inspector Vine stated that the role of pursuit controller is the only supervisory role that does not default to the RDO or the DDO – the policy is very proscriptive of the duties of the pursuit controller. In the absence of any requests for information by the Comco Inspector Vine asked for updates in order to attempt to make risk assessments.
548. However, Inspector Vine conceded that OPM 15.5.4 states that as well as pursuit controllers, RDOs and DDOs should apply the decision-making process when deciding whether a pursuit should be ended.
549. Inspector Vine stated that a pursuit is one of the most dangerous activities a police officer can be involved in and conceded he should have terminated the pursuit due to the lack of information he was receiving.
550. Senior Sergeant MacGibbon said that he believes more junior officers are less likely to abandon a pursuit unilaterally. He said he didn't

abandon the pursuit in Hinde Street as he believed it was being run by the Comco.

551. Sergeant Finlay said that had he been the PPV or the Comco he would have abandoned the pursuit immediately upon the vehicle crossing the median strip and driving on the wrong side of the road.
552. Senior Constable Haverson said that when he saw the utility come out of Hinde Street and head towards Southport being followed by numerous police vehicles he decided to head back to Surfers Paradise because he didn't want to be involved in the matter any further. He said he came to that decision after assessing the risk involved, deciding that it was increasing and that the risk was greater than he was willing to take.
553. Senior Constable McInnes said that he didn't consider that the pursuit should be abandoned at any time as, although the utility was driving fast, he didn't consider that it was driving dangerously. He said he has not previously abandoned a pursuit.
554. Senior Constable McInnes agreed that he was travelling at about 120 km/hour on Southport Nerang Road heading into the CBD. He agreed that he was travelling at speeds up to 140 km/hour on Hinde Street. He said he didn't believe those speeds were dangerous in the circumstances.
555. Senior Constable Hamilton said that he could have decided to withdraw from the pursuit himself but he could not have abandoned the pursuit because he was not the pursuit controller.
556. Constable Harris said he was thinking of withdrawing from the pursuit when the utility was heading towards the CBD and he had a discussion with Constable Flessler in which they discussed the danger to pedestrians. Seconds later he heard the call that the utility had crashed.
557. Detective Senior Sergeant Herpich stated that there was a significant lack of information being transmitted by the crews involved in the pursuit (particularly Senior Sergeant Murphy who was driving the

primary pursuit vehicle) which resulted in a lack of situational awareness as to the location and speed of the utility. That lack of information should have resulted in the senior officers (the Comco, the RDO or the DDO) stopping the pursuit.

The QPS Pursuit Policy

558. Detective Senior Sergeant Herpich is of the view that there seems to be increasing numbers of pursuits that are not being identified as such by the police officers involved. He is of the view that the policy is unclear, that there is a disconnect between the practice and the policy, especially on the Gold Coast, and that the policy needs to be reviewed but also re-emphasised with Gold Coast police by way of additional training.
559. Senior Sergeant Ottoway gave evidence that the second pursuit was authorised by the OPMs as John and Logan had committed an indictable offence prior to the pursuit commencing.
560. Senior Sergeant Murphy obviously has a thorough understanding of the pursuit policy and all of the QPS policies relating to driving. He said that the immediate need to apprehend which justifies a pursuit depends on the offences which have been committed and other strategies available to apprehend the offender. He said there had to have been a serious indictable offence committed, as weighed up against the other factors. In this case he heard the DDO transmit that they were following “high risk offenders” and that a home invasion had been identified as the indictable offence.
561. Senior Sergeant Murphy is aware of the requirement that a motorbike can only be a PPV until a four wheel vehicle can take over but he said that bikes are often used to follow offenders because they can hide behind other vehicles on the road.
562. Senior Sergeant Murphy agreed that he had an obligation to report that he was the PPV and he didn’t do so but said that he could not transmit safely at that time due to having to concentrate on riding the bike.

563. He said that he was not concerned that the utility was heading into the Southport CBD and travelling at speed. He explained that although he had said in his interview that there was an imminent risk at all times of the pursuit he was balancing that risk against the risk of abandoning the pursuit which was the risk that Logan would continue to drive dangerously.
564. Senior Sergeant Murphy said that the RDO and DDO ranked above him and he would have expected either of them to abandon the pursuit if that was required.
565. Inspector Vine said that he believes the OPMs are convoluted and there is confusion regarding them amongst junior officers.
566. Inspector Vine accepted that the flow chart in the QPS pursuit policy is clear and unambiguous and requires a pursuit to be abandoned if there is any uncertainty which would include a lack of information due to radio issues.
567. Senior Sergeant MacGibbon is of the opinion that the pursuit criterion of “indictable offence” is too wide and should be further qualified to narrow it to serious indictable offences – perhaps only those punishable by life imprisonment.
568. Senior Constable McInnes disagrees with the policy that motorbikes should not be the PPV as he believes it is easier to shadow a vehicle on a motorcycle, although he conceded that communications are more problematic on a bike and there is a greater risk to a bike rider than an officer in a car.
569. Senior Constable Gilles stated that motorcycles should not be the PPV if a four wheeled vehicle is available.
570. Senior Constable Gilles said that in his view the OPMs re pursuit policy do not provide clear directions and encourage officers not to pursue.
571. Sergeant Hayden agreed with the policy that motorcycles should not be the PPV as he said it is too difficult as you are on your own on the bike

and there is a second person in a car. He said that he found the pursuit policy confusing.

572. Acting Inspector Tim Mowle, manager of the operational review portfolio of the Ethical Standards Command carried out a review of the QPS pursuit related activities including an historical analysis of pursuit related reviews and data.

573. His conclusions were consistent with numerous QPS internal reviews carried out between 2015 to 2019, the findings of the State Coroner in 2010 and the past four annual CCC monitoring reports (2015 to 2019) i.e. that there is:

- A cultural shift away from compliance with the QPS Safe Driving Policy;
- A deliberate effort to circumvent policy such that the various safeguards are not enlivened;
- Ambiguous policy;
- Training issues;
- Undermining of authority;
- Lack of a base level of understanding;
- Issues with information exchange when traversing multiple districts;
- Issues with risk assessment;
- A lack of understanding of the role of pursuit controller;
- The impact of the authority gradient phenomenon;
- Under reporting;
- Incorrect classification.

574. Inspector Mowle doubted the veracity of the data provided for the CCC annual monitoring report finding that QPS pursuit data holdings were less than optimal and rely on manual extraction and subjective interpretation.

575. At the conclusion of his review, Inspector Mowle was of the opinion that a working group was required to review the policy and address the issues.

576. On 25 June 2020, Inspector Mowle presented the findings from his review to the QPS Executive Leadership Team (ELT).

577. Relevantly, his submission states that:

- The consistent theme within the QPS from the reviews undertaken is an erosion of the base level understanding of the origins and intent of the Safe Driving Policy, which in turn, over time, contributes to cultural shift and operational and policy deviations.
- The deviation identified requires correction and reform, to reset the intent and culture surrounding the QPS Safe Driving Policy.
- RPC random sampling indicates that there is a large number of evade occurrences, which are in fact pursuits, and ongoing noncompliance with reporting, under reporting and lack of understanding of pursuit policy.
- The ESC reviews have identified slippage across three of the original safe driving policy objectives including revising policy and procedures, pursuit training and reviewing pursuit incidents.
- The QPS is well positioned to influence positive change by:
 - Recalibrating policy and resetting culture using, in part, the historical recommendations as a baseline and blueprint;
 - Continuing the development of pursuit related training products with an emphasis on decision making and pursuit UOF;
 - Refining the QPS pursuit data management;
 - Enhancing the QPS review capability;
 - Continued research and use of emerging technology; and
 - Focused efforts toward community prevention strategies.

578. Inspector Mowle requested that the ELT endorse a working group to recalibrate the Safe Driving Policy and reset the pursuit culture with the Terms of Reference to include:
- Community prevention strategies to disrupt access to motor vehicles;
 - Enhancement of pursuit related data management;
 - Training focused on decision making, UOF and intercept strategies; and
 - Further research of emerging in-vehicle technology.
579. On 28 July 2020, the ELT endorsed these recommendations and are currently in the process of determining the scope of work to be undertaken and the constituency of the working group.
580. At the inquest Inspector Mowle confirmed that this working group would consider the scope of the policy, including whether amendments needed to be made to ensure it was clear and to clarify any ambiguity. He agreed that there was a need for further training for officers to ensure they understood the rationale of the Safe Driving Policy as well as its practical application.

Radio Communications

581. Senior Sergeant Ottoway said that he was told that comms was not working properly on the day but he does not know whether that is the case or not.
582. He said police on bikes are extremely difficult to hear at the best of times and it is nearly impossible to hear any of their transmissions when they are travelling over 110 km per hour.
583. Inspector Vine said that the units were talking over each other on the radio and Comco should have controlled the radio chatter.

584. Inspector Vine said that supervising officers and VKR should have priority in radio communications. He said that the radio was dropping out worse than usual on the day of the pursuit.
585. Senior Sergeant MacGibbon did not experience technical difficulties with the radio – the calls he heard were clear. There was an issue with timeliness of communications in that there was not a continuous flow of information which was required for risk assessment.
586. Senior Constable McInnes said that if an officer tries to make a call and it doesn't go through because of radio traffic you will hear a loud beep which indicates that. He said that when travelling at normal speed comms are quite good but as the speed and noise increases the radio becomes less clear.
587. Senior Constable McInnes said he wasn't radioing information as other units were doing so.
588. Senior Constable Hamilton said that he had a good understanding of the first pursuit but as more crews came on the radio it became more difficult to know what was going on.
589. Senior Constable Hamilton said that he believed the issues with the radio were caused by crews trying talk over each other and officers not holding the button down correctly. He said it was difficult to get on the radio due to the amount of chatter. However, he knew when his transmissions were going through due to the noise the radio makes i.e. three short beeps for a successful transmission and one long beep when it is not transmitting.
590. Senior Constable Gilles said that it was extremely difficult to transmit over the radio as there were numerous crews transmitting.
591. Sergeant Finlay said there were no technical issues with the radio – it was congested because officers were talking over each other which is usual when there is too much chatter on the radio.

592. Sergeant Hayden said he had difficulty in getting through on the radio. He was relying on the marked car behind him to make calls whilst they were on the M1. He said it is very difficult to use the radio and change gears on the bike at the same time (although on the M1 he stayed in third gear). He said that the faster one travels on the bike the more difficult it becomes to hear the radio and travelling at speed requires a greater level of concentration.
593. Senior Sergeant Murphy said that he is experienced with using the police communications system but it can be challenging to utilise on a motorbike, particularly when cornering or changing gears. He said that it is common to get cut out by other transmissions but when that occurs it is evident as he can hear the other transmission.
594. Senior Sergeant Murphy said that it was difficult to hear the radio on the bike when it is travelling in excess of 100 km/hour. He was trying to transmit but was getting cut out. Although he was the PPV and unable to make radio calls he was satisfied that other units were providing sufficient information as to location and speed of the utility.
595. Senior Constable Phillips said that she didn't recall experiencing any technical problems with the radio that week.
596. Ms Roberts said there were some transmission issues during the incident and there had been the night before as well. The calls were breaking up more than usual. She was asking crews to repeat their calls.
597. Detective Senior Sergeant Herpich said he had no information that there was a technical issue with the radio during the pursuit but said that in any case the Comco needed to take control of the communications.

Training

598. Senior Sergeant Ottoway has been involved in countless pursuits and believes that the training provided in relation to pursuits is inadequate. He believes that junior police are confused about the pursuit policy. He

said that he has received no practical training in regard to pursuits although he has been a police officer for some thirty years. He could not recall the last time he did the online training program re pursuits. He last undertook driving training in 1991.

599. He believes that officers need practical scenario training including communicating by radio whilst under pressure. He said that the number of pursuits have decreased over the years (partly due to the availability of Polair) so police have become less exposed and also less skilled. He believes that junior officers are confused about the pursuit policy and they are often the first responders.
600. Senior Sergeant Murphy gave evidence that he received practical training in pursuits at the Surfers Paradise Raceway in 1985. He undertook the motorcycle training course in 1998. Motorcycle police are required to undertake refresher training courses every one to two years but that course does not include specific pursuit training, although there is a component relating to urgent duty driving. There is an online training program in regard to pursuits which is usually undertaken by police officers when they are directed to do so. He was directed to complete that course after this incident.
601. Inspector Vine said that he could not recall the last time officers were trained in relation to pursuits.
602. He said that challenging dynamic situations such as this pursuit require police officers to have more training in radio communications.
603. Senior Constable Harverson said that officers are afraid to say the word "pursuit" as it is a "dirty word." He said that there are number of issues that come into play during a pursuit but officers are not trained to deal with them or trained in pursuits. He said none of the issues are being discussed within the QPS.
604. Senior Constable McInnes said that despite undertaking numerous training courses in traffic policing the only training he has received in

relation to pursuits was at the academy when he first joined the QPS and that was very basic.

605. Senior Constable Gilles has completed a number of driving courses with QPS including at the academy and the level two course for high powered motor vehicles and the police motorcycle course. He said all of that training included a component relating to pursuits.
606. Sergeant Finlay said that he had been exposed to a number of pursuits including those involving Polair and he had seen a decrease in the experience of officers which results in a decrease in situational awareness and the pursuit controller not having a holistic view. He said officers need training in a “real world” context so that they know what to say and what to do during a pursuit.
607. The Officer in Charge of the Driving Skills, Acting Senior Sergeant Jasmine McCormick and the Senior Facilitator at the Driving Skills Section, Sergeant Steven Fisher gave evidence.
608. The relevant portions of the information provided, and A/Senior Sergeant McCormick and Sergeant Fisher’s evidence, are summarised below.
609. Police are introduced to the fundamentals of pursuits during the recruit training phase, which includes both theoretical and practical components delivered through online training packages, theory discussions, practical scenario participation and face to face engagement and debriefs. Such sessions cover the relevant policy and procedure, communication requirements, mindset and risk assessment.
610. The practical and face to face components of the pursuit training course is conducted over a five-day driving course at Driving Skills, Wacol. During the course, participants are taught how to drive a police vehicle in operational conditions using the ‘Systems of Vehicle Control’ (SOVC). Assessment includes experimental skills development and practical driving assessments, during which recruits are assessed for

psychological management, urgent duty driving, pursuits and intercepts.

611. The lesson with respect to pursuits is completed by recruits on the fifth day of the course and requires recruits to complete a scenario whilst being the driver of a police vehicle during an intercept a subsequent pursuit, as well as being the passenger. It is intended that recruits will be able to demonstrate various skills, including:
- Understanding of the relevant legislation, policy and procedures when intercepting a vehicle;
 - Demonstrate appropriate mindset;
 - Make sound tactical decisions;
 - Demonstrate sound communication with Instructor/VKR/Comms; and
 - Demonstrate an awareness and management of risk.
612. The lesson commences with a brief discussion as to the requisite pre-course readings, the Police Pursuits OLP and the QPS Safe Driving Policy. The definition of a pursuit as well as risk assessments and when a pursuit must be abandoned are all topics canvased.
613. Practically, recruits must perform an interception of a suspect vehicle. During this scenario, recruits are required to demonstrate situational awareness, skill and mindset of the recruit driver and passenger. At the conclusion, recruits are provided with detailed feedback as to their performance, which includes a discussion as to a real-life application of their performance.
614. There is currently no formal refresher training in place in relation to driver training or any practical pursuit driving activities. Online Learning Products as to pursuits are provided to allow officers to undertake theoretical training. Such products are utilised to disseminate any change in applicable policy.
615. A two-day Operational Driving Refresher Course, which included pursuits and intercept components, was trialled in 2019, however, due

to cost was not further supported. At the inquest A/Senior Sergeant McCormick stated she was of the strong view that such a course would be very beneficial and all feedback received was positive.

616. Specialised Driver Training is provided to officers in certain specialist roles, which includes Police motorcycle and trail bike riders.
617. Prior to conducting operational duties as a Police Motorcyclist, officers are required to complete a three week Police Motorcycle course. There are a number of pre-requisites for the course, which include completion of the most recent Competency Acquisition Program in relation to the Safe Driving Policy, which includes the current pursuit policy, as well as a Pre-course motorcycle skills assessment.
618. It is expected that prior to attending the course, participants are expected to be well versed in the QPS Pursuit Policy, however, a three hour session is dedicated to reinforcing and verifying a participant's knowledge of the current policy. The topics canvased include, risk assessments, communication, when a pursuit must be abandoned, pursuable and non-pursuable matters and the physiological and psychological consideration.
619. At the completion of the lecture, a controlled exercise utilising the Driving Skills circuit is conducted, which includes intercepts and ultimately a pursuit under a specific scenario. An assessment as to the participants decision making processes as well as the application of the Systems of Motorcycle Control (SOMC) is undertaken. In-depth feedback is provided at the conclusion of the scenario.
620. As per the requirements of the OPM's, qualified riders are required to attend a QPS Motorcycle Requalification course every two years. In practical terms, such a course is often conducted every 12 months. Evidence before the inquest confirmed that this requalification course does not specifically include pursuits.
621. Detective Senior Sergeant Herpich gave evidence, at the end of the inquest, and after hearing all of the evidence, that he was of the view

that the QPS should consider whether there was a need for further training in relation to pursuits.

Findings and Conclusions

The scope of the Coroner's inquiry and findings

622. An inquest is not a trial between opposing parties but an inquiry into a death. The scope of an inquest goes beyond merely establishing the medical cause of death.
623. The focus is on discovering what happened; not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred and, in appropriate cases, with a view to reducing the likelihood of similar deaths.
624. As a result, a coroner can make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future. A coroner must not include in the findings or any comments or recommendations, statements that a person is or may be guilty of an offence or is or may be civilly liable.
625. Proceedings in a coroner's court are not bound by the rules of evidence. That does not mean that any and every piece of information however unreliable will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other proceedings and to have regard to its origin or source when determining what weight should be given to the information.
626. A coroner should apply the civil standard of proof, namely the balance of probabilities. However, the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, then the clearer and more persuasive the

evidence needs to be for a coroner to be sufficiently satisfied it has been proven.

627. If, from information obtained at an inquest or during the investigation, a coroner reasonably suspects a person has committed an offence, the coroner must give the information to the Director of Public Prosecutions in the case of an indictable offence and, in the case of any other offence, the relevant department. A coroner may also refer a matter to the Criminal Misconduct Commission or a relevant disciplinary body.

Submissions

628. At the conclusion of the evidence all parties made submissions and I have taken those into account.

Findings

629. I agree with the conclusions reached by the ESC investigators and, in relation to the issues explored at the inquest, I make the following findings.

Commencement of the Pursuit

630. I agree with the conclusion reached by Detective Senior Sergeant Herpich.
631. The pursuit of the utility commenced at about 9.18am when the utility left Movie World. Logan knew that the police were following him from that point. He indicated that he was not willing to stop when he drove through a red light and over the concrete island to get onto the M1. The utility was immediately followed by Senior Sergeant Murphy and Senior Constable Hayden and at least two other police vehicles, all with lights and sirens activated.
632. The utility was continually pursued by Senior Sergeant Murphy until it crashed on Queen Street at 9.34am.

Whether the Pursuit was Justified

633. I am satisfied that commencement of the pursuit was justified pursuant to the current QPS policies and procedures as it was suspected that Logan and John had committed an indictable offence (being breaking and entering a dwelling).

Control of the Pursuit

The First Pursuit

634. Senior Sergeant Ottoway took control of the initial pursuit. He understood the pursuit policy and reinforced it to the junior officers. He warned the constables that they were undertaking a high-risk situation and that they had to continue to assess the risk which prompted them to do so.

635. He handed control of the initial pursuit over to Comco. Sergeant Martin was aware of that but did not take control of the first pursuit in any way.

The Second Pursuit

636. I find that Senior Sergeant Murphy was the PPV for the entire pursuit, however, at no time did he relay that information to other officers. His failure to do so resulted in confusion and a lack of crucial situational awareness by Inspector Vine, Senior Sergeant Ottoway, Senior Sergeant Finlay, Sergeant Oliver and Sergeant Martin.

637. I find that Senior Sergeant Murphy was aware that he was obliged to advise that he was the PPV but he chose not to. I do not accept that he was unable to do so. He made other calls on the radio. I am satisfied that he did not call that he was PPV because he was aware that the OPMs required him to relinquish that position to a four wheel vehicle

and he believed he was better placed to pursue the utility on his motorcycle.

638. I find that there was a total lack of control of the second pursuit. Senior Sergeant Murphy, as the PPV, was obliged to state that fact and take control of the pursuit. He made no attempt to do so.
639. Once Sergeant Martin became aware of the pursuit he was the pursuit controller, pursuant to the OPMs.
640. I find that Sergeant Martin was an untruthful and unhelpful witness which is concerning given his position as a senior police officer.
641. I find that Sergeant Martin was the Comco for the Gold Coast on 9 August 2019, that he was aware of that situation on that day and when he was interviewed on 29 August 2019. I find that he attempted to minimise his responsibility to take control of the pursuit in his evidence at the inquest by stating that it was in fact Senior Sergeant Sherer who was the senior officer responsible. I find that he gave untruthful evidence when he stated that he believed on 9 August 2019 that he was not the responsible officer.
642. Sergeant Martin was unable, when interviewed by ESC investigators or when giving evidence in court, to provide any valid reason why he failed, in every way, to fulfil his duties as pursuit controller. He was an experienced Comco and understood his obligations. He was advised that he was the pursuit controller by other personnel in the communications centre but failed to act at all.
643. The failure of Sergeant Martin to take control of the pursuit resulted in more confusion, too many vehicles becoming involved in the pursuit and the resulting plethora of radio communications from those vehicles.
644. I agree with the conclusions reached by Detective Senior Sergeant Herpich that the lack of information provided by Senior Sergeant Murphy should have resulted in the Comco, the RDO or the DDOs stopping the pursuit.

645. I accept however, that the RDO and the DDOs had a reasonable expectation that the Comco would take control of the pursuit and were attempting to fulfil their role of providing information and assistance.

Abandonment of the Pursuit

646. The provision of information and the resulting decision making was hampered by the failure of Senior Sergeant Murphy to advise that he was the primary pursuit vehicle and the total lack of action by Sergeant Martin, however, there was sufficient information available to senior police officers on which the pursuit should have been abandoned before Logan entered Southport Nerang Road.

647. I find that the pursuit should have been abandoned by Senior Sergeant Murphy when the utility first travelled onto the wrong side of the road against oncoming traffic.

648. There is no doubt at all that it should have been abandoned when Logan crossed the median strip onto the wrong side of the road and drove on the footpath before turning around in front of oncoming traffic on Olsen Avenue.

649. It is clear that the OPMs require a pursuit to be abandoned if there is uncertainty such that a proper risk assessment cannot be made. Sergeant Martin should have abandoned the pursuit firstly on that basis. He stated that he was not getting sufficient information to be clear as to what was occurring.

650. Sergeant Martin should have ordered the pursuit to be abandoned when Logan drove dangerously. At that point the risk to the public, the police officers involved and Logan could not be justified.

651. The fact that all of the senior officers were uncertain as to the location of the car, which units were in pursuit and the speeds they were travelling was sufficient reason to abandon the pursuit, in accordance with the OPMs, regardless of the known danger to the public, the police and Logan and his passenger.

652. Inspector Vine candidly and honestly accepted that, in the absence of direction from the Comco, he, as the RDO had responsibility to assess the risk and abandon the pursuit if appropriate.
653. He said that his ability to make decisions was hampered by lack of information. That, of itself, should have caused him to abandon the pursuit, in accordance with the OPM which stipulates that uncertainty requires the pursuit to be abandoned.
654. Inspector Vine said that it was “very unclear” to him whether there was a pursuit, the radio communications were inadequate, he was receiving no transmissions from the Comco and he couldn’t get information about how close the PPV was to the utility. He said the lack of knowledge about whether there was a PPV impacted his ability to make a decision to abandon the pursuit.
655. It is clear that he could not make an informed risk assessment in those circumstances and so should have ordered the pursuit to be abandoned.
656. The same considerations apply to Senior Sergeant MacGibbon, Senior Sergeant Ottoway and DTACC. However, I accept that they, and Inspector Vine, believed that the Comco was in control of the pursuit, which resulted in their reluctance to take control of the matter.
657. I find that it is likely, had the pursuit been abandoned, that Logan would have ceased to drive dangerously and his death could have been averted. This is evidenced by the fact that Logan was driving normally on Southport Nerang Road until he saw Senior Sergeant Murphy behind him at which time he immediately drove onto the wrong side of the road. Further, John stated that had the police stopped following them they would have ditched the utility.
658. The evidence indicates that there is a belief amongst offenders that the more dangerously they drive when being pursued by police the more likely it is that police will abandon the pursuit. I accept that this presents a very difficult issue for those making decisions in relation to pursuits

and such decisions are made under pressure and in ever-changing circumstances. However, in this case the risk that the pursuit posed to the public and police officers did not justify the dangerous pursuit of two offenders who were suspected of breaking into a house.

659. In that regard I agree with the evidence of the witnesses that the criteria for initiating a pursuit should be more serious than merely any indictable offence.

The QPS Pursuit Policy

660. Although numerous officers stated that the QPS policy was confusing, their interviews and evidence indicated that they clearly understood the policy i.e. the criteria to commence a pursuit, the need for constant risk assessment, how the risk was to be assessed and that the PPV was the pursuit controller until the Comco took over that role.

661. I find that the issue was not a lack of understanding but a general lack of willingness or motivation to apply the policy.

662. I agree with Detective Senior Sergeant Herpich that there is a disconnect between the practice and the policy.

663. Acting Inspector Mowle's review identified that there was a cultural shift away from the compliance with the QPS Safe Driving Policy. His view is reinforced by the actions of police in this matter and their evidence at inquest.

664. I accept that the issues identified by Detective Senior Sergeant Herpich and Inspector Mowle are currently in the process of being considered by a QPS working group.

Radio Communications

665. I do not accept that there was any significant technical difficulty with the police radio which impacted on the control and monitoring of the pursuit.

666. I find that communications were negatively impacted by the number of crews attempting to provide information.
667. The fact that too many units were attempting to transmit was a direct result of the lack of control by the Comco.
668. I do accept that the lack of control of the pursuit resulted in radio “chatter” which may have impacted on the ability of officers to transmit information, however, the evidence demonstrated that officers would have known if their communications were not transmitted and could have repeated their attempts.
669. I find that there was a level of inexperience of officers in relation to radio use during a pursuit and agree that officers would benefit from further training in relation to radio communications.
670. I do not accept that Senior Sergeant Murphy was unable to advise that he was the PPV due to technical difficulties. I find that he made the decision not to advise that he was the PPV or provide information about the utility during the pursuit.
671. I agree with the submission of counsel representing Logan’s family and Inspector Vine that GPS tracking allowing real-time monitoring of police vehicles would overcome issues with radio communications and allow those in command and communications centres to better deploy officers and control emergency situations including pursuits.

Training

672. I agree with Detective Senior Sergeant Herpich that the QPS pursuit policy needs to be re-emphasised with police officers on the Gold Coast district by way of additional training.
673. I also agree with his conclusion that QPS should consider whether there is a need for further training in relation to pursuits.
674. The evidence of experienced police officers, including those responsible for training programmes, was that officers require further

training in relation to driving skills, risk assessments and communications. I accept that evidence.

675. I accept the evidence of A/Senior Sergeant McCormick that implementation of the Operational Driving Refresher Course, which included pursuits and intercept components and was trialled in 2019 would be very beneficial.

Conclusions and Comments

676. Logan's death was preventable and would, in all likelihood, have not occurred had all police officers involved in the pursuit complied with the QPS pursuit policies.
677. Senior Sergeant Murphy and Sergeant Martin both had a comprehensive understanding of their duties and obligations under the relevant OPMs but utterly failed to comply with them. The failure of Senior Sergeant Murphy to provide crucial information led to the inability of senior officers to gain an accurate understanding of what was occurring. The failure of Sergeant Martin to take control of the pursuit led to a reluctance of those senior officers to themselves take control and abandon pursuit.
678. Had the pursuit been properly called by Senior Sergeant Murphy and controlled by Sergeant Martin a four wheeled police vehicle would have been the PPV, a second unit designated as the second pursuit vehicle and the other units utilised tactically to apprehend Logan and John.
679. Specifically Senior Sergeant Murphy failed to comply with OPMs 15.5.5, 15.5.6 and 15.5.9.
680. Sergeant Martin failed to comply with OPMs 15.5.7, 15.5.9 and 15.5.11.
681. I accept that Inspector Vine, Senior Sergeant Ottoway and Sergeant Finlay did their best to make difficult decisions in an evolving situation and with the hindrances that Senior Sergeant Murphy was not advising them of the true situation and Sergeant Martin was not fulfilling his role.

682. Sergeant Finlay, who is very experienced with Polair (he was a mission commander and developed relevant policies and procedures) gave evidence that it would be extremely helpful if police vehicles had call signs on the bonnets and roofs. This would enable them to be identified from the air. He said that this was trialled but not continued after the trial. He was unsure of the reasons why. Although not relevant to this matter, he said that it would be of great benefit in pursuits involving Polair.

Recommendations

683. I recommend that QPS continue and expedite the review currently in progress to consider the Safe Driving and Pursuit Policy. This review could consider whether the threshold for what is a pursuable matter needs to be heightened from simply an indictable offence.

684. I recommend that QPS consider the introduction of practical scenario-based pursuit refresher training to be provided to all officers at regular intervals. Such training needs to provide officers with the skills to conduct the necessary risk assessments per the pursuit policy under stressful and difficult conditions and effectively utilise police communications.

685. I recommend that QPS consider branding the bonnets and roofs of police vehicles with their call signs to assist in identification by Polair personnel.

Findings required by s. 45

Identity of the deceased – Logan Dreier

How he died – Logan died from multiple injuries he sustained when he was ejected from the vehicle he was driving after it crashed during a police pursuit.

Place of death – Gold Coast University Hospital
SOUTHPORT QLD 4215 AUSTRALIA

Date of death– 9 August 2019

Cause of death – Multiple injuries, due to motor vehicle collision

I close the inquest.

Jane Bentley
Deputy State Coroner
SOUTHPORT