



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Bryce James Doyle
Hearing dates:	18-20 February 2019
Date of findings:	21 February 2019
Place of findings:	State Coroners Court, Dubbo
Findings of:	Acting State Coroner, Magistrate Teresa O'Sullivan
Catchwords:	CORONIAL LAW – Cause and manner of death, police pursuit, meaning of “pursuit”, young male unlicensed deceased driver speeding, methylamphetamine
File number:	2016/334771
Representation:	Peggy Dwyer, Counsel Assisting, instructed by Jennifer Hoy, Crown Solicitor's Office Brent Haverfield, for the Commissioner of Police Paul Madden, for Senior Constable Collier

<p>Findings:</p>	<p>Identity of deceased: The deceased person was Bryce James Doyle</p> <p>Date of death: Bryce Doyle died on 8 November 2016</p> <p>Place of death: He died at Narromine in NSW</p> <p>Manner of death: The death was caused by accident or misadventure, in that Bryce Doyle lost control of a car that he was driving while he was trying to avoid a police pursuit, and struck a tree.</p> <p>Cause of death: The medical cause of the death was massive injuries to the head and body, including severe closed head injuries, skull fracture and spinal injuries.</p>
<p>Recommendation:</p>	<p>To the Commissioner of Police, NSW Police Force</p> <p>That the Commissioner give consideration to the following:</p> <ol style="list-style-type: none"> 1. With respect to the Pursuit Guidelines in Part 7 of the Safe Driving Policy: <ol style="list-style-type: none"> a) the first 2 paragraphs of 7-1 and 7-1-1 be combined, to avoid doubt as to what the definition of pursuit is; b) a section is included to advise officers that if they are in doubt as to whether or not an offending vehicle has ignored a direction to stop, they should inform the DOI, or the VKG shift coordinator of their actions, and provide the information outlined in paragraph 7-5-1.

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Introduction:

1. The *Coroners Act 2009* (NSW) in s. 81(1) requires that when an inquest is held, the Coroner must record in writing his or her findings as to various aspects of the death.
2. These are the findings of an inquest into the death of Bryce James Doyle, a young man who was only 22 when he died. Bryce was much loved by his large family, many of whom have come to Court so that they can learn about the circumstances of his death, and to pay their respects.
3. I was very pleased to learn about Bryce towards the end of the inquest, by hearing the statement of family members, and a beautiful message from one cousin that was read out. Bryce was very close to many members of his extended family, which is evident given their presence at this inquest. During some of his early school years, Bryce lived with his grandparents. His grandfather who attended the hearing, remembers that time fondly.
4. Bryce's family remember him as a "good kid, with a naughty and mischievous side". He loved school. He also loved jumping on the trampoline, playing video games and playing soccer. Bryce loved his sisters Tehana and Alisha, as well as his nieces and his own children. His family remember him as a happy person, who was always the life of the party. He had many friends and would do anything he could to help out others.
5. I extend my condolences to all of Bryce's family, particularly to his mother, father, sisters and grandfather, and to the cousins, aunts and uncles who attended Court and to all those family and friends who were not able to attend the inquest. I am truly sorry for your loss.

The Inquest:

6. In the circumstances of Bryce's death, an inquest is mandatory pursuant to s. 23(c) and s. 27(1)(b) of the *Coroner's Act* (the Act), which at the relevant time, required an inquest to be held where a person has died "as a result of, or in the course of, a police operation".
7. Section 81 of the Act requires a Coroner to make a finding as to the identity, date and place of death, medical cause of death, and the manner of death. Cause refers to the physical cause of death. Manner refers to the circumstances leading up to and surrounding the death. There is no issue in this inquest in relation to Bryce's identity, the time of his death, the place and date, or the medical cause of death. The real issue concerns the manner of his death, or in other words, the circumstances leading up to the collision that caused him to suffer fatal injuries.

8. The actions of the police officer in pursuit of Bryce, Senior Constable Collier, have necessarily been the focus of this inquest. That is not to imply wrongdoing. It is extremely important that where civilians suffer a loss of life after being in contact with police officers, there is public scrutiny of the actions of officers, so that the NSW Police Force has an opportunity to learn lessons, and so that the public has confidence that the actions of police are subject to scrutiny. It is a reflection of the strength of our institutions and our legal system, that this review takes place.

The Evidence:

9. At 9.46am on 8 November 2016, Senior Constable Marley-Jo Collier, a member of the Highway Patrol Unit, was travelling east in a fully marked highway patrol vehicle (Western 214) along the Mitchell Highway, when she detected a blue Commodore travelling west on the Mitchell Highway between Dubbo and Narromine.
10. The speed limit in the area is 110 kilometres per hour. The radar in the police vehicle showed the Commodore to be travelling at a speed of 142km per hour, which went down to 134km per hour when it was 'locked on' by S/C Collier.
11. The blue Commodore was being driven by Bryce Doyle, who was on his way to the Narromine Local Court to appear for charges of driving without a licence. Bryce was not known to S/C Collier and she could not see the number plate on the back of his vehicle to allow her to check the details of the registered owner. At no time between the time she saw Bryce and his death did she know that he was the driver of the Commodore.
12. By 2016, police vehicles had been fitted with in car video (ICV) that provides a video and audio record of their own movement. Once the ICV is activated by an officer, as it was in this case, it back captures 30 seconds of footage and continues to record until it is turned off. As a result, the Court has objective evidence as to what Senior Constable Collier did next.
13. At 9.46.21, just one second after Senior Constable Collier recorded the blue Commodore's speed of 134km per hour on the radar, she activated the warning lights of Western 214 and pulled over to the left of the highway. She allowed one car to pass her and then executed a U-turn with the intention of following the Commodore and pulling the driver over for the speeding offence. It took approximately 16 seconds to execute that U-turn, and Constable Collier could not see the blue Commodore immediately after she started travelling west on the Mitchell Highway, towards Narromine.
14. The ICV recording shows the following:
 - At 9.47.00, Western 214 passed two vehicles travelling east on the Mitchell Highway, at a speed of 190km per hour.

- At 9.47.08 the sirens of Western 214 were activated (warning lights also still activated)
 - Between 9.47.00 and 9.49.45, Western 214 travelled towards Narromine at varying speeds and passed numerous vehicles travelling towards Dubbo.
 - From 9.47.00 until 9.49.33 (when Western 214 entered the 50km zone on the approach to Narromine), Western 214 passed approximately 10 vehicles travelling east.
 - From 9.47.00 until 9.49.33, Western 214 overtook at least 5 vehicles.
 - The highest speed of Western 214 during the period Senior Constable Collier was following the Commodore was 204km per hour at 9.48.28.
 - The in-car video indicates that she travelled at speeds of between 149 and 204km per hour, at an average of 186km per hour.
15. In spite of that significant speed, Senior Constable Collier did not gain significant ground on the blue Commodore. As she explained in her recorded interview with police on 9 November 2016, she “just kept a visual of the back... it was just a blip in the distance”.
 16. The conditions on the day were fine but overcast. The traffic conditions were light.
 17. At the approach to Narromine, the speed limit on the Mitchell Highway reduces, first from 110 to 80 km per hour and then down to 50km per hour. When Senior Constable Collier entered the 80km per hour zone, she was travelling at 200km per hour. In the 50km per hour zone, S/C Collier was travelling at a speed of between 178-191 kilometres per hour.
 18. Bryce entered the intersection of the Mitchell Highway and Manildra Street travelling west at high speed, and clipped the front nearside corner of a white Toyota Corolla sedan, which was making a right hand turn, east onto the Mitchell Highway, from Manildra Street. That caused Bryce to lose control of the Commodore and collide with a large gum tree on the southern side of the Mitchell Highway. The front end of the vehicle was torn away, exposing Bryce to the excessive force of the impact and causing him to suffer multiple injuries to his head and body, including severe closed head injuries, skull fracture and spinal injuries. Bryce would have died instantly on impact.
 19. Senior Constable Collier was not close enough to the blue Commodore to witness the collision, other than to observe the dust thrown up as a result of it. An eye witness, Cameron Gall, estimated that Senior Constable Collier arrived on the scene about 30 seconds to one minute after the crash. At 9.49.45 on the ICV a dust cloud is seen in the distance, and the police vehicle arrives on the scene of the collision at 9.49.53. At 9.50.26 on the ICV the lights and sirens on Western 214 are deactivated.
 20. After realising that the blue Commodore had hit a tree, Senior Constable Collier pulled over, notified police radio of the crash, requested ambulance and the Fire Brigade and remained at the scene until other police arrived. She did all that she could do to check if the driver of the Commodore

needed assistance. Senior Constable Collier was subsequently taken to Narromine Hospital by ambulance for a check-up and to undergo compulsory drug and alcohol testing, which subsequently proved that she had a negative reading.

21. Members of the NSW Police Force Crash Investigation Unit (CIU) attended and examined the scene. The death of Bryce Doyle was declared a Critical Incident by Police and necessitated an investigation by an experienced officer, who is independent to any officer involved in the accident. The Officer in Charge of this Inquest, Detective Sergeant Andrew Mclean, had not met Senior Constable Collier prior to the investigation and worked at another Local Area Command. All relevant witnesses were interviewed, expert reports obtained and a brief of evidence prepared.
22. Toxicology results taken after Bryce passed away show that he had a quantity of amphetamine and methylamphetamine in his blood at the time of his death. An expert toxicologist, Dr Judith Perl, has provided a report confirming that the quantity and type of drugs in his system are likely to have impaired his driving, due to over-stimulation of the central nervous system by methylamphetamine. The acute effects of high doses of methylamphetamine can result in driving behaviours including speeding, overtaking and risk taking, all of which Bryce engaged in prior to the collision. That evidence is not meant to criticise Bryce, who was no doubt a young man with so much potential, but it is relevant in determining why he drove the way he did in the lead up to the collision. It is another tragic reminder of the impact of methylamphetamine, known as “ice”, on our young people and the broader community.

The NSW Police Force Safe Driving Policy and “pursuits”:

23. Police pursuits and other police activities on the road are governed by the policies and procedures of the NSW Police Force. In certain circumstances, police officers are permitted to disregard the road rules, including by exceeding speed limits, but they must do so within the boundaries of the policies that guide them. Where a “pursuit” of a vehicle occurs, there are strict rules governing what Police must do and who they must notify.
24. Part 7 of the NSW Police Force Safe Driving Policy (SDP) contains a definition of police pursuit as follows:
 - 7-1 **PURSUIT:** A pursuit, regardless of speed, commences at the time you decide to pursue a vehicle that has ignored a direction to stop.
 - 7-1-1 It is an attempt by a police officer in a motor vehicle to stop and apprehend the occupant(s) of a moving vehicle, regardless of speed or distance, when the driver of the other vehicle is

attempting to avoid apprehension or appears to be ignoring police attempts to stop them.

25. When involved in a pursuit, the responsible officer must inform the DOI (Duty Operations Inspector at Sydney Radio Operations Group), and the VKG (the NSW Police Force Radio Operations Centres) Shift Coordinator of the pursuit and provide certain information, including the location and direction of travel, the reason for the pursuit and the description and number of occupants.
26. Expert evidence was called in the inquest from Sergeant Kris Cooper, a member of the Traffic and Highway Patrol Command, Policy Unit, who is highly experienced and who conducted a review of the evidentiary material in the inquest that was relevant to the NSW Police Force Pursuit Policy and Safe Driving Policy.
27. According to Sergeant Cooper, the rationale for requiring police to 'call in' a pursuit is because it is important to have a 'cool head' away from the scene to give advice. Senior Constable Collier also understood this rationale. Both Sergeant Cooper and Senior Constable Collier were familiar with term "red mist", which describes the psychological state reached when a person is full of adrenalin, and faced with a highly charged incident that affects the ability to make objective, sound decisions. Having someone away from the scene to give guidance is an important safeguard against this.

Was there a "pursuit" in this case?

28. Senior Constable Collier gave evidence that she was of the opinion that she was not in a "pursuit" for the purposes of the SDP in place at the time. That was for two reasons: first, she thought that to be in pursuit required her to have closed the distance on Bryce more than she had, and second, because although she did give the driver of the Commodore a direction to stop, she was not sure whether they were aware of it and had deliberately disobeyed it. That is, she was not close enough to Mr Doyle and did not know whether Mr Doyle had seen her. In her interview of 9 November 2016, Senior Constable Collier estimates that the closest she came to the blue Commodore was a distance of between 600 metres and one kilometre. In oral evidence, she said that she since had timed the distance using the odometer in her car and she calculated that she was 1.2 km behind the Commodore at the time of the collision.
29. Sergeant Cooper provided expert opinion that in fact, Senior Constable Collier was in pursuit at some time after she executed the u-turn and decided to follow the blue Commodore, although he was not able to determine the exact location where the pursuit commenced. Sergeant Cooper found that Senior Constable Collier failed to comply with the requirements of the SDP in relation to the pursuit, and that her non-

compliance appears to have arisen from her failure to properly identify that a pursuit as defined under the SDP had commenced.

30. On the objective evidence, I find that Senior Collier was in “pursuit” for the purposes of the SDP. The definition of “pursuit” in the SDP requires that an officer give a direction to a vehicle to stop, and then form a view that the direction “appears” to be ignored by the young person. Senior Constable Collier acknowledged that she gave the direction to stop. Although I accept her evidence that she was not fully satisfied that the driver of the Commodore had noticed and ignored the direction, it is obvious in hindsight that he had done. I have formed this view because Senior Constable Collier activated the lights on her vehicle almost immediately after she noted the Commodore speeding, she activated the sirens 47 seconds after that, and then travelled at speeds of up to 204 kms per hour and was not able to catch up to the Commodore. Since she locked on the radar at 134 kms per hour and could not then catch up, Bryce must have increased his pace. Further, if Senior Constable Collier could see the Commodore, even as a “blip in the distance” then he was likely to have been able to see the warning lights of the fully marked police car in his rear vision mirror.

31. Clearly, even as the situation unfolded, Senior Constable Collier struggled with the question of whether she was in pursuit during the time she was following Bryce. In her 9 November 2016 interview with police, she said (from A 254):

I guess I, I was questioning whether I should call in the pursuit. But then I thought, I've got nothing besides the speed and the vehicle. I've got no rego, I'm not within a distance of him to call a pursuit. At that stage I was just trying to catch up. But, you know, when he failed to stop I, I was thinking to myself, should I be letting radio know...what's goin' on.. just even to advise them ... but I'm not in pursuit.

...

Yeah, but, and, to I was, I was so fixated on, on getting' him.

32. Senior Constable Collier's comment that she “was so fixated” is understandable, but it is also good evidence of why pursuits should be called in. Senior Constable Collier was not correct that a pursuit depends on the distance between vehicles. Paragraph 7-1-1 of the SDP clearly states that: “It is an attempt by a police officer in a motor vehicle to stop and apprehend the occupant(s) of a moving vehicle, **regardless of speed or distance**, when the driver of the other vehicle is attempting to avoid apprehension or appears to be ignoring police attempts to stop them”. However, the fact that par 7-1 and 7-1-1 are separated in the policy may have contributed to her confusion.
33. The second reason why Senior Constable Collier did not know whether the definition of pursuit was met was because she wasn't sure if the driver of

the Commodore had seen her. I can appreciate why, given the way in which definition of pursuit is written in the SDP, this would cause some confusion.

34. Sergeant Cooper agreed that the SDP should be as clear as possible to give guidance to police faced with the difficult decision of whether to pursue and if so, how long to continue. I propose to recommend an amendment to the SDP, for the consideration of the NSW Police Commissioner, to see if this can be clarified.
35. Officers such as Senior Constable Collier are in situations of high stress when they make the difficult decision to pursue a driver who may have ignored a direction to stop. I accept that Senior Constable Collier was a witness who was honest and she was attempting to exercise her duties appropriately. She was clearly deeply upset by the death of Bryce and her involvement on the day. I commend her for the frank evidence she gave and for the way in which she communicated her empathy with Bryce's family.
36. I also wish to extend my thanks and admiration to the family of Bryce. The way that members of his family conducted themselves during this very emotional inquest and the way they spoke personally to Senior Constable Collier was extremely gracious and generous. The representatives of Senior Constable Collier, and the NSW Police, both said how much it was appreciated.
37. I commend the Officer in Charge of this investigation, Detective Sergeant Andrew McLean, for his very thorough brief of evidence and the high quality investigation into this tragic case.
38. I thank my Counsel Assisting, Peggy Dwyer and her instructing solicitor, Jennifer Hoy from the Crown Solicitor's Office for the enormous effort they put into the preparation of this inquest.

Findings required by s. 81(1):

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The deceased person was Bryce James Doyle.

Date of death

Bryce Doyle died on 8 November 2016.

Place of death

He died at Narromine in NSW.

Cause of death

The death was caused by massive injuries to the head and body, including severe closed head injuries, skull fracture and spinal injuries.

Manner of death

The death was caused by accident or misadventure, in that Bryce Doyle lost control of a car that he was driving while he was trying to avoid a police pursuit, and struck a tree.

Recommendation:

To the Commissioner of Police, NSW Police Force

That the Commissioner give consideration to the following:

1. With respect to the Pursuit Guidelines in Part 7 of the Safe Driving Policy:
 - a) the first 2 paragraphs of 7-1 and 7-1-1 be combined, to avoid doubt as to what the definition of pursuit is;
 - b) a section is included to advise officers that if they are in doubt as to whether or not an offending vehicle has ignored a direction to stop, they should inform the DOI, or the VKG shift coordinator of their actions, and provide the information outlined in paragraph 7-5-1.

I close this inquest.

Teresa O'Sullivan
A/State Coroner

Date: 21 February 2019