

RECORD OF INVESTIGATION INTO DEATH

*I, Barry Paul King, Deputy State Coroner, having investigated the death of **Bradley Ronald Andrew DEMEZA** with an inquest held at the Northam Courthouse on 5 February 2020 find that the identity of the deceased person was **Bradley Ronald Andrew DEMEZA** and that death occurred on 9 May 2018 at Chedaring Road in Wundowie from chest and abdominal injuries in the following circumstances:*

Counsel Appearing:

Ms F M Allen assisting the Coroner.

Mr E J Cade (State Solicitor's Office) appeared on behalf of the WA Police Force.

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ORDER UNDER s 49(1)(b) OF THE *CORONER'S ACT 1996*

That there be no reporting or publication of the details of any of the versions of the WA Police Emergency Driving Policy and Guidelines, including, but not limited to, any cap on the speed at which police officers are authorised to drive.

INTRODUCTION

1. On 9 May 2018 Mr Demeza was driving a Holden Commodore utility vehicle (the ute) west on Great Eastern Highway in Wundowie when two police officers travelling east in a marked police car noted on their on-board radar that he was speeding.
2. The officers turned around to attempt to intercept Mr Demeza, but they saw in the distance that he had turned north off the highway onto Chedaring Road. They followed him on Chedaring Road and, about 2 km from the highway, they came across a crash scene where it was apparent that he had lost control of the ute, crashed into trees and was trapped in the ute. Mr Demeza was extricated from the ute, but his condition quickly deteriorated and he died at the scene.
3. Due to the involvement of police officers immediately prior to Mr Demeza's death, I held an inquest at the Northam Courthouse on 5 February 2020 in order to investigate whether any action of a member of the police force had caused or contributed to the death.
4. The documentary evidence at the inquest included a brief of evidence which contained statements from police, crash investigators and a family member, medical and forensic reports, police records, a report of the investigation into the crash by officers of the Major Crash Unit (MCU), and a report on the investigation into the conduct of the police officers by Detective Senior Sergeant Brian Hunter from the Internal Affairs Unit (IAU).¹

¹ Exhibit 1

5. Oral evidence was provided by (in order of appearance):
 - a. Sergeant Jamie Cresswell, the officer driving the police car;²
 - b. First Class Constable Brendan Felstead, the other officer in the police car;³
 - c. Sergeant Joshua Humble, the officer who conducted the crash investigation;⁴
 - d. Mr Paul Kaye, a vehicle investigator for the WA Police, who conducted an inspection of the ute after the crash;⁵ and
 - e. Detective Senior Sergeant Hunter.⁶
6. At the conclusion of the inquest, I indicated to counsel appearing on behalf of the WA Police that I would not be making a finding that the police caused or contributed to the accident or to the death, and that I would not be making any adverse comments about either of the police officers involved in the attempted intercept.⁷

BRADLEY RONALD ANDREW DEMEZA

7. Mr Demeza was born in Midland on 29 May 1986, so he was 31 years old at the time of his death.
8. When Mr Demeza left school after Year 10, he worked in a limestone quarry and then went on to work as a roof tiler. He also worked at a turf farm and at a major construction company. At the time of his death, he was unemployed, but he had just submitted a number of resumes with his mother's assistance.⁸

² ts 4 - 14

³ ts 14 - 20

⁴ ts 21 - 26

⁵ ts 26 - 32

⁶ ts 32 - 39

⁷ ts 39

⁸ Exhibit 1.8 9

9. Mr Demeza's family had previous concerns about his use of methylamphetamine, but he had stopped using it in 2017. As a result, he had grown close to his family again and he was living with his family in Bakers Hill.⁹
10. Mr Demeza was fit and he excelled at several sports, but he was a heavy smoker and also used cannabis. He was very social and had been in an intermittent relationship with Rachael Brown, for whose children he was a father figure.¹⁰

EVENTS LEADING UP TO DEATH

11. On 9 May 2018, Mr Demeza was at home in Bakers Hill with his sister. Mr Demeza's sister had used their mother's car to drive their mother to work, and when she returned home, he used the car to go out.¹¹
12. At 2.00 pm that afternoon, Mr Demeza returned home in a very good mood. He borrowed some money from his sister to put fuel in the ute, which he had borrowed from Ms Brown. He told his sister that he was going to drive to town to attend a party with outlaw motorcycle gang members and that he would 'bomb it down there', which she assumed meant that he intended to drive fast.¹²
13. Before Mr Demeza left in the ute, his sister noticed that there was black tape covering the ute's back licence plate. She pulled the tape off and told Mr Demeza that she had seen undercover police in the area earlier that day and that he would draw attention to himself. She did not check the front number plate to see whether it also had tape over it.¹³
14. Mr Demeza left Bakers Hill in the ute at about 2.50 pm. As he was leaving, his sister told him that she loved him and to be careful.¹⁴

⁹ Exhibit 1.8 10

¹⁰ Exhibit 1.8 9

¹¹ Exhibit 1.10 1

¹² Exhibit 1.10 2-3

¹³ Exhibit 1.10 3

¹⁴ Exhibit 1.10 4

15. Sergeant Cresswell and First Class Constable Felstead were both stationed at Wundowie Police Station at this time. Sergeant Cresswell was the officer-in-charge of the station and First Class Constable Felstead was a general duties officer. Sergeant Cresswell was a qualified Priority 1 driver and First Class Constable Felstead was a qualified Priority 2 driver.¹⁵
16. On 9 May 2018, Sergeant Cresswell and First Class Constable Felstead were both rostered on the day-shift to do tasking duties in the Wundowie sub-district. They went out on the road in a marked Class 1 police car fitted with radar.¹⁶
17. At about 3.00 pm in the afternoon, the officers had just attended a service station at El Caballo and were heading east on Great Eastern Highway while Mr Demeza was heading west. The officers were travelling at about 100 km per hour. Sergeant Cresswell was driving.¹⁷
18. As the officers and Mr Demeza were approaching each other, the radar in the police car emitted an audible tone, indicating that Mr Demeza was possibly speeding. Sergeant Cresswell noted that the radar readout was 153 km per hour. First Class Constable Felstead locked the radar at a speed of 147 km per hour. The posted speed limit on that part of Great Eastern Highway was 110 km per hour.¹⁸ Sergeant Cresswell activated the police car's emergency lights and started to slow down as Mr Demeza approached.¹⁹
19. The police officers noted that the ute had black electrical tape partially covering the front licence registration plate. As they could not read the full registration number, they could not check the details of the ute or its registered owner.²⁰
20. Sergeant Cresswell gestured with his finger inside the police car to Mr Demeza to pull over, but Mr Demeza went past the police car without

¹⁵ ts 4 – 5, 15.

¹⁶ Exhibits 1.11 1; 1.12 2

¹⁷ Exhibits 1.11 2; 1.12 2

¹⁸ ts 5

¹⁹ ts 6

²⁰ ts 10

stopping and without giving any indication he had seen Sergeant Cresswell's gesturing for him to stop.²¹

21. As the officers turned around and began to travel west with their emergency lights activated, they saw the ute brake and turn right onto Chedaring Road. They reached a speed of 118 km per hour on Great Eastern Highway²² and followed the ute onto Chedaring Road, but they were not able to see it ahead of them.²³
22. First Class Constable Felstead radioed the Police Operations Centre (POC) to advise of the incident and to pass along the ute's details and the direction it was travelling in case there were any other police units in the area who might be able to assist.²⁴ The ute was not in sight at the time he was speaking on the radio, [REDACTED]
[REDACTED]
23. According to a GPS-connected system fitted to the police car, the officers continued along Chedaring Road at speeds ranging from 64 km per hour to 115 km per hour.²⁶ At about 1.5 km from the highway, the road surface then changed from sealed bitumen to an unsealed surface, and there was a significant amount of dust in the air. At about 1.7 kilometres from the highway, a pipeline crossed the road and there was an access track beside the pipeline, so Sergeant Cresswell thought that the ute may have turned off Chedaring Road onto the access track. However, as the dust settled, the police officers looked ahead and saw a fallen tree in the middle of the road about 200 m ahead.²⁷
24. The officers continued towards the fallen tree, and they could see the ute lying on its roof to the left-hand side of the road in the trees. Sergeant Cresswell stopped the police car and ran to the ute while First Class Constable Felstead radioed the POC to ask for the attendance of

²¹ ts 6 – 7, 13, 15

²² Exhibit 1.9 9

²³ ts 7, 13

²⁴ Exhibit 1.18; ts 7 – 8, 17

²⁵ ts 8, 17

²⁶ Exhibit 1.9 9

²⁷ Exhibit 1.11 4

ambulance officers and Department of Fire and Emergency Services (DFES) personnel. Mr Demeza was unconscious in the driver's seat of the ute.²⁸

25. Sergeant Cresswell was unable to open the driver-side door of the ute, but he managed to open the passenger-side door in order to crawl into the ute and confirm that Mr Demeza was breathing. He then got out of the ute and used a fire extinguisher from the police car to spray the ute's engine bay.²⁹
26. Sergeant Cresswell then returned to the passenger side of the ute. By this time, Mr Demeza had regained consciousness and was in a great deal of pain. Mr Demeza wanted to get out of the car, but Sergeant Cresswell was unable to move him despite several attempts. He asked Mr Demeza his name and then tried to reassure him while they waited for ambulance officers and DFES personnel to arrive.³⁰
27. DFES personnel and ambulance officers from Wundowie arrived at about 3.20 pm. Mr Demeza was still trapped upside-down in the ute in significant pain. He was somewhat confused and possibly intoxicated, but he appeared to understand the ambulance officers' questions. He was given pain relief and oxygen while waiting for paramedics to arrive.³¹
28. After ambulance paramedics arrived by helicopter at 3.40 pm, Mr Demeza was extracted from the ute and placed on a spinal board. He initially had a pulse, but he then went into cardiac arrest. The paramedics administered CPR, but they were unable to revive him. An ambulance paramedic certified his life extinct at the scene at 4.14 pm.³²

CAUSE OF DEATH

29. On 14 May 2018, forensic pathologist Dr Clive Cooke performed a post-mortem examination on the body of Mr Demeza and found severe injuries

²⁸ Exhibit 1.11 4

²⁹ ts 9, 18; Exhibit 1.11 4-5

³⁰ ts 9; Exhibit 1.11 4-5

³¹ Exhibit 1.16 3

³² Exhibit 1.3, 1.16 3

to the chest and abdomen, with internal bleeding. There was no evidence of significant natural disease.³³

30. Toxicology analysis showed alcohol levels of 0.106% in the blood and 0.123% in the urine³⁴. Tetrahydrocannabinol was also present, indicating that Mr Demeza had used cannabis sometime prior to his death and may have been affected by the drug in combination with the alcohol at the time he was driving.³⁵
31. A neuropathological examination found no features of recent traumatic brain injury.³⁶
32. At the conclusion of the further investigations, Dr Cooke formed the opinion, which I adopt as my finding, that the cause of death was chest and abdominal injuries.³⁷

HOW DEATH OCCURRED

33. Detective Senior Constable Humble attended the scene of Mr Demeza's crash and conducted an investigation into how the crash occurred. He gave evidence that, when he arrived at the scene on the day of the crash, he could clearly see skid marks in the gravel and Mr Demeza's car was still on its roof where it came to rest. There were some visible skid marks on the bitumen surface, but they were not related to Mr Demeza's crash.³⁸
34. First Class Constable Felstead explained in his oral evidence that there are quite a few roads in this area that have bitumen and then change to gravel, and in his experience, if you move from the hard-packed bitumen surface to the loose gravel at speed, it's 'almost like hitting water. You will just lose all traction'.³⁹

³³ Exhibit 1.5

³⁴ Exhibit 1.6

³⁵ Exhibit 1.6

³⁶ Exhibit 1.7

³⁷ Exhibit 1.5

³⁸ Exhibit 1.15; ts 21 – 23.

³⁹ ts 20

35. Other than the change in road surface, there was nothing to suggest that the road surface itself was a factor in the crash, in the sense of having any bumps, large potholes, dips or corrugations.⁴⁰
36. In his report, Detective Constable Humble noted scuff marks on the unsealed road leading up to Mr Demeza's crashed ute.⁴¹ A crash reconstruction officer noted that the scuff marks indicated that the ute entered a yaw approximately 110 metres after leaving the bitumen and then rotated anticlockwise and left the road, colliding with some trees and rolling before coming to rest on its roof.⁴²
37. Sergeant Humble said in oral evidence that the exact speed at which Mr Demeza was travelling immediately prior to the point of losing control and going into a yaw could not be determined. However, the available evidence supports the conclusion he was still travelling at a relatively high speed.⁴³ The vehicle examiner, Mr Kaye, said that in his experience the amount of damage was quite excessive, which was indicative of high speed being involved in the crash.⁴⁴
38. Mr Kaye also noted that one of the front tyres on the ute was unserviceable due to being bald, and there were four different wheel sizes and tyre sizes.⁴⁵ However, he said that the lack of tread depth on the front tyre is more relevant to driving on wet surfaces, so it is unclear how relevant it was in this case. He also said that the size differences of the wheels and tyres was not great, so the handling difference would have been minimal.⁴⁶
39. A preliminary inspection of the crash site by staff from Main Roads WA did not identify any road environment factors that would have caused or contributed to the crash, and there was no history of crashes at the site identified.⁴⁷

⁴⁰ ts 20

⁴¹ Exhibit 1.8 3

⁴² Exhibit 1.15 1

⁴³ ts 24 – 25.

⁴⁴ ts 31

⁴⁵ Exhibit 1.14 7–8 of 9

⁴⁶ Exhibit 1.14 7-8 of 9; ts 25, 28 - 30.

⁴⁷ Exhibit 1.15 8

40. The results of the post-mortem toxicology analysis are also relevant to considering the causation of the crash, as Mr Demeza was found to have a high level of alcohol in his blood, and tetrahydrocannabinol was also detected.⁴⁸
41. Detective Senior Constable Humble submitted in his report that the evidence supported the conclusion that the primary causal factors of the crash were speed and Mr Demeza's intoxication. Mr Demeza's ability to control the ute at a high speed when he encountered difficulties as the road surface changed would have been impaired by the drugs and alcohol in his system.⁴⁹
42. The facts that Mr Demeza's motor driver's licence had expired, the ute's registration had expired, the number plate was covered, and he was intoxicated were reasons that might have motivated him to avoid being pulled over by the police.⁵⁰
43. The officers were unable to say definitively whether Mr Demeza was aware that they were trying to pull him over,⁵¹ but the fact that he turned onto Chedaring Road when the evidence established that he had intended to drive fast into town⁵² is too coincidental to have been for any other reason than to evade them.
44. On the evidence available, I am satisfied that, while attempting to evade the officers, Mr Demeza lost control of the ute while driving it at an excessive speed over a change of road surface and while affected by alcohol and cannabis. The ute then crashed into trees and rolled onto its roof, which caused him chest and abdominal injuries, resulting in his death.
45. I find that the death occurred by way of misadventure.

⁴⁸ ts 25.

⁴⁹ Exhibit 1.8

⁵⁰ Exhibit 1.8 7

⁵¹ ts 7; ts 17

⁵² Exhibit 1.10 2

CONDUCT OF POLICE

46. First Class Constable Felstead estimated that the total time that had elapsed from Mr Demeza's car being detected by the police car radar until the officers came to the crash scene was two to three minutes. That estimate was consistent with the POC call record.⁵³
47. When the officers first saw the ute, it was approaching them at high speed from the opposite direction, and they were travelling at 100 km per hour. They tried to indicate to Mr Demeza to stop, but he did not. They had to slow down significantly and turn around, which gave Mr Demeza a substantial head start. He was quickly out of their sight.⁵⁴
48. Both officers said that they did not know whether Mr Demeza had seen them as he passed them.⁵⁵
49. [REDACTED]
50. Detective Senior Sergeant Hunter stated in his report that the incident was so short in duration that there was not time to classify it as an evade police incident. [REDACTED]
51. Detective Hunter, who has previously worked in the Major Crash Investigation Unit, also reviewed the Major Crash report and agreed with its author's conclusions that the likely contributing factors were speed and

⁵³ ts 18 – 19; Exhibit 1.18

⁵⁴ Exhibits 1.11 3; 1.12 3

⁵⁵ ts 7 ; ts 17

⁵⁶ ts 38

⁵⁷ ts 37 - 38

alcohol and drugs.⁵⁸ There was no evidence found in the IAU investigation to suggest the two police officers contributed to or caused the crash.

52.

[REDACTED]
[REDACTED]
[REDACTED] I do agree that the evidence indicates that, from the officers' perspective, it was not clear whether or not Mr Demeza was going to stop as a result of an instruction to do so. Nor was there any indication from Mr Demeza's actions, apart from the evidence of the speed he had previously been travelling, that he was likely to endanger himself or a member of the public by driving recklessly if the officers attempted to intercept him.

53. In those circumstances, the officers acted reasonably and responsibly in accordance with their duty by attempting to instruct Mr Demeza to stop and by attempting to intercept him. In my view there is no basis to suggest that the conduct of the officers caused or contributed to Mr Demeza's death.⁵⁹

CONCLUSION

54. The inquest into Mr Demeza's death was held in order to investigate whether the conduct of the officers caused or contributed to his death.

55. The evidence made clear that Mr Demeza chose to get into a vehicle and drive it under the influence of alcohol and drugs, and continue to drive at high speeds on a country road. When the road surface changed, he lost control and sustained fatal injuries in the consequent crash.

56. Mr Demeza's senseless death was a tragic loss for his family, but the officers' actions were entirely appropriate.

B P King
Deputy State Coroner
8 October 2020

⁵⁸ ts 36

⁵⁹ ts 39