



## CORONERS COURT OF NEW SOUTH WALES

Inquest: Inquest into the death of JM

Hearing dates: 9 March 2026

Date of findings: 19 March 2026

Place of findings: Coroners Court, Lidcombe

Findings of: Deputy State Coroner, Magistrate Hosking

Catchwords: CORONIAL LAW – Death as a result of police operations; NSW Police Force application of policies and procedures in relation to motor vehicle pursuits. Section 23 *Coroners Act (NSW) 2009*.

File number: 2022/112300

Representation: Counsel assisting the inquest: Matthew McAuliffe, of Counsel, instructed by Stuart Jacobs of the NSW Crown Solicitor's Office (**Assisting team**)

Commissioner of the NSW Police Force (**NSWPF**) and Troy Flynn: Sebastian De Brennan of Counsel instructed by Ashleigh Constance of the Office of General Counsel, NSWPF

Statutory findings: JM died on 18 April 2022 at Rawson Avenue, Sutherland NSW 2232 from multiple injuries.

JM's death occurred as a result of a police operation: his injuries were suffered in a motor vehicle collision occurring shortly after the termination of a police pursuit of the vehicle in which he was travelling.

Publication orders: Non-Publication orders made pursuant to s 74 of the *Coroners Act 2009* apply in this matter. A copy of the orders made by Magistrate Hosking can be obtained on application to the Coroners Court Registry.

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## Introduction

- 1 JM, born in Wollongong Hospital on 30 July 2004, was the much-loved son of his parents. He is very much missed and was also loved by his younger sister and older brother, as well as their extended families, friends and community.
- 2 On 18 April 2022, JM died aged 17, in a motor vehicle collision following a pursuit by members of the NSWPF.
- 3 These are the findings of an inquest into the circumstances of JM's death.

### *The role of the coroner*

- 4 The role of the coroner is to make findings as to the identity of the nominated person and in relation to the place and date of their death. The coroner is also to address issues concerning the manner and cause of the person's death<sup>1</sup>. A coroner may make recommendations, arising from the evidence, in relation to matters that have the capacity to improve public health and safety in the future.<sup>2</sup>
- 5 The inquest into JM's death was a mandatory inquest pursuant to ss 23(1)(c) and 27(1)(b) of the Act because JM's death occurred 'as a result of a NSWPF operation.'

### *The issues examined at the inquest*

- 6 An inquest into the circumstances of JM's death was held on 9 March 2026 at the Coroners Court in Lidcombe.
- 7 It was not in contention that JM died on 18 April 2022 at Rawson Avenue, Sutherland NSW and that his cause of death was multiple injuries suffered in a motor vehicle collision.

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<sup>1</sup> S 81 of the *Coroners Act 2009* (NSW) (**the Act**).

<sup>2</sup> S 82 of the Act.

- 8 The focus of this inquest concerned the *manner* or circumstances of JM's death.
- 9 The issues identified in the coronial investigation to be explored in the inquest follow.
- (1) Whether Troy Flynn, then Leading Senior Constable, adhered to the NSWPF Safe Driving Policy (**SDP**) in force on 18 April 2022 including:
- (a) his decision to initiate and continue the pursuit
- (b) whether he provided sufficient information to the duty operations inspector or VKG<sup>3</sup> shift operator upon commencement of the pursuit
- (c) whether the timing of his decision to terminate the pursuit was appropriate.

*The evidence*

- 10 A 5-volume brief of evidence along with electronic material compiled by the officer in charge of the coronial investigation, Det. Sgt. Peter Daley, and supplemented by the Assisting team, was tendered to the Court (**Exhibit 1**).
- 11 At the inquest, the court received oral evidence from:
- (1) Det. Sgt. Peter Daley, NSWPF officer in charge of the coronial investigation
- (2) Sgt. Andrew Campbell, NSWPF Rescue Co-ordinator at Sydney Radio Operations Centre S

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<sup>3</sup> NSWPF radio call sign.

- (3) A/Insp. Stephen Templeman, NSWPF Traffic and Highway Patrol Command, responsible for preparing the Safe Driver Incident Review Panel Report
- (4) Troy Flynn, the then Leading Senior Constable responsible for driving the NSWPF vehicle in pursuit.

### *Findings and recommendations*

12 Having considered the evidence and submissions in this inquest, my findings follow.

- (1) JM died on 18 April 2022 at Rawson Avenue, Sutherland NSW 2232 from multiple injuries.
- (2) JM's death occurred as a result of a police operation: his injuries were suffered in a motor vehicle collision occurring shortly after the termination of a police pursuit of the vehicle in which he was travelling.
- (3) I find that Flynn's decision to commence and continue the pursuit until the point of actual termination (when the Silver Ford hit the barrier) and oral termination (when his decision was conveyed to VKG once it was safe to do so), was reasonable and consistent with the SDP in all the circumstances.
- (4) Given the brief nature of the pursuit combined with the fact that Flynn was alone in CS-231, I consider the information he provided to VKG during the pursuit was reasonable in all the circumstances.

13 Having considered the evidence and submissions in this inquest, I did not find it necessary or desirable to make any recommendations.

### **Background**

14 I have drawn from submissions by Counsel assisting in relation to non-contentious factual matters and issues. I am grateful for his assistance.

### *JM's life*

- 15 Until about 2012, JM and his family lived in Corrimal before moving into their family home in Helensburgh. JM completed his schooling at Helensburgh Primary School and Heathcote High School until year 10 in 2020. Upon leaving school he commenced a carpentry apprenticeship and attended Gynea Tafe College. His family reported that he found his niche in his apprenticeship and was thriving.
- 16 JM was a natural and talented sportsman. He spent his time outdoors participating in fun runs with his father, playing football, or riding his push bike, scooter, or skateboard. From an early age JM had a particular passion for motorbikes and loved riding with his father and grandfather. JM was a very social person and enjoyed spending time with his friends.

### *Events leading up to JM's death*

- 17 On 17 April 2022, three of JM's friends, Joshua Wright, Rhys Griffiths<sup>4</sup> and Travis Hughes caught the train from Sutherland Train Station to the city.
- 18 Ellesha Stephenson, Hughes' girlfriend, offered to pick the men up from Pymont. Videos recorded on Griffiths' phone between 1.00am and 2.00am depict the three men, and a male only known as Arkash, heavily intoxicated. Wright in particular, had slurred speech and difficulty walking.
- 19 Hughes told Stephenson by text message that the men were at the Pymont Bridge Hotel in Pymont. She arrived at 2.17am. Hughes and Arkash got into the car while Wright and Griffiths were yelling at a convenience store attendant about the price of a vape. They were being loud and bringing attention to themselves. Wright stumbled as he walked to Stephenson's car. He got into the car with Griffiths. The men had a bottle of vodka with them.
- 20 At about the same time, JM's father, heard JM talking on his phone outside his father's bedroom. His father said that JM sounded happy. Earlier in the night at

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<sup>4</sup> Now deceased in circumstances not directly related to the motor vehicle collision.

about 7.00pm, JM had dinner at home before heading out with friends in Helensburgh.

- 21 After collecting Wright, Griffiths, Hughes and Arkash from Pymont, Stephenson drove to Bangor where Arkash was dropped off. She then headed towards Wright's house in Illawong. During the drive, Wright was slurring his words and looked tired. Hughes appeared drunk and said that he was sleep deprived. Stephenson reported that Griffiths did not appear 'too drunk.' Wright tried to convince Hughes to go to Helensburgh with him and Griffiths. Hughes refused.
- 22 At about 3.00am, Stephenson arrived at Wright's residence at 2 Batavia Place, Illawong. Wright and Griffiths got out of her car. Wright told Griffiths to sit on the bonnet of his car, which was on the street a short distance from his house, while he went inside to grab his keys. Stephenson understood that their plan was to pick up JM and return to Hughes' house to continue drinking. Stephenson then drove to Hughes' house with Hughes. They both went to sleep shortly after arriving home.
- 23 CCTV footage from 2 Batavia Street, Illawong, depicts Wright walking towards his house and down his driveway at 3.06am. Wright went inside his house. His mother got up from bed, and he told her that he was going fishing. She told Wright to leave his car at home. He told her that he would.
- 24 At 3.16am Griffiths called JM's mobile phone. JM returned the call at 3.20am. Griffiths can be seen in the Batavia Street footage waiting for Wright and operating a mobile phone although his identity is not discernible from the footage.
- 25 Wright's mother saw Wright walk up the street with another person. As it was dark Wright's mother could not see who the other person was. At 3.23am Wright is depicted in CCTV footage walking up his driveway with a plastic bag in his hand and down Batavia Street to Griffiths and the location of his car. Wright's mother then returned to bed. About 10 minutes later she looked outside and

saw that Wright's car was gone. CCTV footage depicts a vehicle, which is understood to be Wright's Silver<sup>5</sup> Ford, Reg: EPF10A (**Silver Ford**) at Batavia Street at 3.38am. Griffiths was also in the vehicle.

26 CCTV footage from JM's home address depicts a vehicle consistent with the Silver Ford travelling from JM's residence at 4.04am. While there is no direct evidence of JM entering the Silver Ford, there is little question that he did so shortly before 4.04am and that Wright was the driver.

27 As at 18 April 2022, Wright's P2 provisional licence had expired.

28 At 4.00am on 18 April 2022, Flynn commenced his shift at Engadine Police Station. He was tasked with highway patrol duties. After preparing his equipment he left the station at approximately 4.15am in City South 231 (**CS-231**).

29 Flynn turned right onto Caldarra Avenue, Engadine, and drove to the roundabout where he turned right onto Anzac Parade towards the Princes Highway. It was a long weekend and there was minimal traffic on the road.

### *The pursuit*

30 A chronology of events occurring during the pursuit was prepared by the Assisting team based on information extracted from Flynn's in car video (**ICV**)<sup>6</sup>. I have extracted the chronology at **Annexure A** as a useful summary. The salient aspects will be outlined below.

31 Approximately 40 metres from the intersection of Anzac Parade and the Princes Highway, Flynn saw the Silver Ford heading northbound on the Princes Highway and estimated that it was 'well in excess of the posted speed limit'. Flynn activated his ICV at 4.18.19am.

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<sup>5</sup> Also described by Flynn in his electronic record of interview as the 'grey' falcon.

<sup>6</sup> The chronology was tendered as an *aide-memoire* and accepted by the representatives for the Commissioner of the NSWPF and Flynn.

32 Flynn attempted to reach the Silver Ford to stop it and infringe the driver for exceeding the speed limit. It was not in contention that this would have been a 'lawful stop'<sup>7</sup>.

33 Flynn reached the Silver Ford as it passed Old Bush Road. Flynn commenced a speed check at 4.18.45am, by following behind the vehicle for no less than 300m without gaining on it. During this time, the Silver Ford swerved between lane one and two. The Silver Ford's speed was 'locked' at 130km/hr. Flynn was unaware how many people were in the Silver Ford.

34 At 4.19.18am Flynn activated his lights and sirens. Rather than stopping, the Silver Ford appeared to Flynn to accelerate 'harshly and deliberately.'

35 The Silver Ford increased its speed to approximately 195 km/h. Flynn called '231 Urgent in Pursuit' over VKG<sup>8</sup>. Flynn confirmed with the VKG operator that he was:

...on the highway heading towards Rawson Avenue.

36 At, or just before, a section of the road where tram tracks cross the Princes Highway, the Silver Ford passed very closely to a motorbike ridden by Sgt. Anthony de Feudis who was commuting to work at Day Street Police Station. It then passed a semi-trailer driven by Joshua Martin at the point the road veered to the left.

37 At 4.19.42am the Silver Ford lost control as it negotiated the left-hand turn and collided heavily with a concrete barrier between the north and south bound lanes. It ricocheted off the barrier and into lane one, a few metres in front of Joshua Martin's truck, and swerved back and forth before it regained control.

38 The impact was observed by Flynn who advised VKG at 4.19.43am that:

...he's crashed radio, he's crashed into the barrier.

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<sup>7</sup> See, for example, s 169A of the *Road Transport Act* (NSW) 2013.

<sup>8</sup> NSWPF Radio call sign.

39 At 4.19.48am Flynn said to VKG:

...disregard, he has actually continued. He's going to be significantly damaged. He's off into Rawson Avenue.

40 At 4.19.54am (twelve seconds after the Silver Ford crashed into the barrier), Flynn said:

...still at speed, terminating the pursuit.

41 While Flynn conveyed his termination of the pursuit to VKG at 4.19.54am, in his oral evidence he said that as soon as the Silver Ford hit the barrier, in his mind, the pursuit was terminated.

42 His immediate thought was that the pursuit was over because there had been a crash. In his words, it would have been crazy to try and pursue as the risk to safety outweighed the need to arrest the driver. He indicated he was shocked that the Silver Ford was able to continue.

43 When he was asked why he did not immediately communicate that the pursuit was terminated, he described the scene he was faced with which included:

- (1) having to safely manoeuvre the bend in the road at a significant speed
- (2) having the radio handset 'shoved between his legs' and needing to take one hand off the steering wheel to operate it
- (3) needing to reduce his own speed
- (4) driving over a tram track.

44 Flynn confirmed that while his lights and sirens remained on until 4.20.00am, this was necessary for the benefit of other road users as he reduced his speed to the sign posted speed limit post-termination of the pursuit.

45 I accept Flynn's evidence that he terminated the pursuit at 4.19.43am when the Silver Ford hit the barrier and that he conveyed the fact that he had terminated to VKG when it was safe to do so at 4.19.54am.

### *JM's death*

46 The Silver Ford exited the Princes Highway onto the Old Princes Highway off ramp to Rawson Avenue<sup>9</sup>. The sign posted speed limit for Rawson Avenue is 50 km/h. A Coles branded semi-trailer driven by Richard Smith was travelling north towards Sutherland Railway Station. At 4.19.54am, the Silver Ford passed to the left of the Coles vehicle undertaking it by travelling through a parking lane and over a section of kerb that extends across the parking lane. Richard Smith<sup>10</sup> heard a loud bang as the vehicle hit the kerb. He saw dust rise from the rear of the vehicle.

47 Michael Griffiths, mechanical engineer<sup>11</sup>, opined that the most probable speed of the Silver Ford when it passed the Coles Truck was 190 km/h.

48 Richard Smith stopped the Coles vehicle for about a minute on the side of the road after Flynn has passed him. CCTV footage taken from the Coles vehicle shows Flynn pass the Coles vehicle at low speed 15 seconds after the Silver Ford mounted the kerb.

49 The Silver Ford's left tyres deflated when it mounted the kerb as it undertook the Coles vehicle. The Silver Ford continued through the intersection of Pitt Street and Rawson Avenue. The left tyres of the Silver Ford were in the western bicycle lane. The Silver Ford's average speed on Rawson Avenue was 146km/h. At or around 4.20.12am, approximately 100 metres before the roundabout leading to the Sutherland Leisure Centre, the Silver Ford rotated clockwise, crossing the centre dividing lines, the southbound driving and bicycle lanes and collided almost simultaneously with a tree and a wooden

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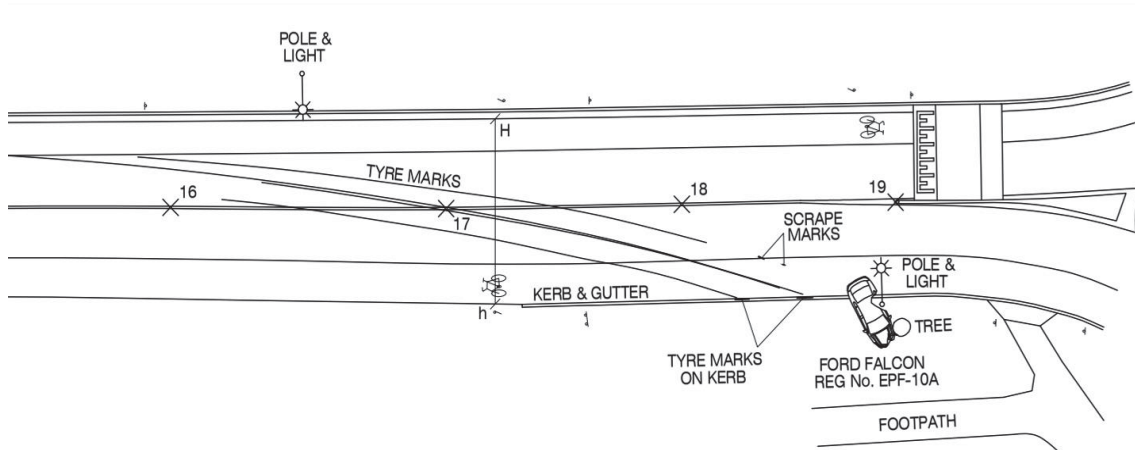
<sup>9</sup> Rawson Avenue is single lane road which travels in a north to south direction between the Princes Highway at Loftus and Sutherland Railway Station.

<sup>10</sup> Driver of the Coles truck.

<sup>11</sup> Report dated 31 January 2023.

telegraph pole. The two main areas of contact damage were to the front left of the Silver Ford where it impacted with the tree and the rear left side door which impacted with the telegraph pole.

- 50 The Silver Ford's trajectory prior to impact and its final resting position is set out in the diagram prepared by Snr. Cst. Drummond which is partially reproduced as figure 1 below.



- 51 Flynn confirmed in his oral evidence that he did not see the Silver Ford crash. This is consistent with his broadcasts to VKG and his conduct immediately after the crash.
- 52 At 4.20.12am, at around the same time as the crash, Flynn reported to VKG that the Silver Ford had turned right into where the 'leisure centre' was and that it was a dead end.
- 53 Flynn drove through a roundabout on Rawson Avenue and then picked up his speed as he continued along Rawson Avenue (129km/hr at 4.20.31am).
- 54 Flynn's evidence was that he picked up his speed not in further pursuit of the vehicle, rather because he believed, based on his experience, that the Silver Ford would be abandoned and he would then pursue the offender on foot in the vicinity of the leisure centre.

### *First responders*

- 55 In his family statement, JM's father expressed his appreciation to the first responders that stopped to help JM following the collision.
- 56 de Feudis was the first person at the scene. He observed extensive damage to the front of vehicle which was positioned 90 degrees to the direction of travel on the incorrect side of the road. de Feudis stopped his motorcycle and went to the passenger side of the vehicle. He observed Griffiths unconscious in the front passenger seat and could not see anyone in the back seats. de Feudis tried to get Griffiths out but there was no response. de Feudis called triple 0 at 4.21am but did not make contact.
- 57 de Feudis then tried more aggressively to get Griffiths out of the car, shaking him and yelling. Griffiths groaned. By this time, there was fire under the bonnet of the car. de Feudis removed Griffiths' seat belt and dragged him out of the car by his clothing. He placed him about five metres from the car.
- 58 de Feudis then noticed JM lying on the back seat. He lay mostly on his right side with his legs under the passenger seat. de Feudis tried to rouse JM but did not get a response. He could not feel a pulse. With the assistance of Snr. Cst. Warner who had arrived at the scene, de Feudis freed JM's legs from underneath the passenger seat and dragged him out of the wreckage. JM's leg was noticeably broken and misshapen underneath his clothing. Warner notified VKG radio that she could not feel a pulse and requested a defibrillator. She then commenced CPR<sup>12</sup> with the assistance of du Feudis, P/Cst. Hendy, Cst. Hassett and others who had arrived.
- 59 Smith arrived in the Coles vehicle about 10 seconds after de Feudis. He noticed that the Silver Ford had crashed but did not see any lights on. The back of the Silver Ford was illuminated by de Feudis' motorbike. Smith saw that the driver's

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<sup>12</sup> Cardiopulmonary resuscitation.

side door was partly ajar, and he was able to rip it open. Flames were coming from the front of the vehicle.

60 Wright was in the driver's seat. His legs were under the steering column but were not trapped. He was moaning but was not coherent. Smith ripped the steering wheel out of the way enough to remove Wright from the vehicle with the assistance of Snr. Cst. Hudson and Sgt. Quinn who had arrived at the scene. Daoud Mehdi, a taxi driver who stopped after seeing the incident, also assisted.

61 Once clear from the wreckage, Hudson spoke to Wright:

Hudson: Can you hear me? Can you breathe okay?

Wright: Yes.

Hudson: Where does it hurt?

Wright: My stomach.

62 Snr. Cst. Rider arrived after hearing Flynn's radio calls. Rider used his fire extinguisher towards the flames in the bonnet. After exhausting his extinguisher, Rider grabbed another from the vehicle driven by Quinn and used it on the bonnet. While at the front of the vehicle Rider heard one of the males on the ground yell:

You killed my mate. You killed him.

63 Following the arrival of Fire and Rescue Officers at 4.30am, a defibrillator was used to attempt to restore JM's heartbeat. It was unsuccessful and CPR continued. NSW<sup>13</sup> officers arrived at 4.35am and connected JM to a 'Lifepak' heart monitor and defibrillator. Paramedic Tinsdale assessed JM's breathing and checked for signs of cardiac activity. There were no respirations, no pulse and JM's eyes were fixated and dilated. JM was declared deceased.

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<sup>13</sup> NSW Ambulance.

Examination of the Silver Ford revealed no evidence that JM was wearing a seatbelt at the time of the collision.

- 64 Wright and Griffiths were transported to hospital by NSWA and were treated as category 1 trauma patients.
- 65 A search of the Silver Ford located an open bottle of vodka in the front passenger footwell, a half full bottle of vodka in the back passenger seat, green vegetable matter police believe to be cannabis in the centre console, and a number of phones, amongst other things.
- 66 A search of JM's body at the scene located a wallet containing \$550, a small zip lock bag containing a white powder and foil containing green vegetable matter. These items were not analysed.

### **Post-mortem**

- 67 An external autopsy examination was performed on JM on 20 April 2022 by Dr Burger, forensic pathologist.
- 68 A post-mortem CT scan revealed:
- (1) a complete dislocation of the first cervical vertebra from the occipital condyles at the base of the skull associated with haemorrhage in the lower part of the skull cavity and in the upper spinal column
  - (2) large volumes of fluid (suspected to be blood) were seen in the chest cavity
  - (3) the right diaphragm was ruptured on the right with abdominal content herniating into the right side of the chest
  - (4) scattered rib fractures were present (likely related to CPR).
- 69 Bruises, lacerations and abrasions were noted on JM's body.

70 Toxicological analysis preserved blood showed:

- (1) cocaine and its metabolites benzoylecgonine, methylecgonine and cocaethylene
- (2) levamisole (known to be added to cocaine)
- (3) diazepam and its metabolites nordiazepam and oxazepam (in non-toxic concentrations)
- (4) cannabinoids
- (5) low concentrations of alcohol.

71 Dr Burger recorded JM's cause of death as, 'multiple injuries.'

### **Criminal proceedings**

72 Wright, then aged 21, was charged in relation to the incident and on 15 December 2023 he appeared before the District Court for sentence. Wright received an aggregate sentence of 9 years imprisonment with a non-parole period of 6 years for aggravated dangerous driving causing death<sup>14</sup>. He was also convicted for driving with an expired license and was disqualified for driving for 3 years commencing on his release from prison.

73 The facts pursuant to which Wright was sentenced included that he was driving under the influence of alcohol with a BAC<sup>15</sup> of 0.182 g/100ml. Forensic Pharmacologist Alen Lin opined that at the time of the collision, Wright's BAC would have been no less than 0.199 g/100ml with an upper limit of 0.224 g/100ml and a most likely level of 0.207 g/100ml<sup>16</sup>.

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<sup>14</sup> His aggregate sentence included one count of aggravated dangerous driving causing grievous bodily harm to Griffiths.

<sup>15</sup> Blood alcohol concentration.

<sup>16</sup> Statement dated 12 August 2022.

## Issues

*Did Troy Flynn adhere to the NSWPF SDP?*

74 In particular, the inquest focused on the initiation and continuation of the pursuit, the point of termination, and whether appropriate information was provided to VKG during the pursuit.

75 In conducting a pursuit, the NSWPF are to be guided by their SDP. The key provisions include:

7.2.1 *The decision to initiate and/or continue a pursuit requires weighing the need to immediately apprehend the offender, against the degree or risk to the community and police as a result of the pursuit.*

7.2.2 *Prior to engaging in a pursuit police should take into consideration the following;*

- *Danger to police, other road users and the offender/s the subject of the pursuit*
- *In considering the danger of the pursuit, factors should include;*
  - (i) *Weather and road conditions, traffic density including vehicles and pedestrians*
  - (ii) *Time of the day, day of the week...*
  - (iii) *The manner of driving, including speed, of the offending driver and the apparent level of control of the offending vehicle*
- *The police vehicles suitability to pursue based on its vehicle categorisation.*
- *The drivers police response classification...*
- *The distance between the police vehicle and offending vehicle and the speed required to close that distance.*

7.2.3 *If after consideration of the circumstances of the pursuit prior to it being engaged concludes that the need to immediately apprehend does not outweigh the degree of risk to the community, police or offenders the pursuit should not be engaged.*

7.2.9 *When engaging in a pursuit you should ensure that there is reasonable cause to believe that the person being pursued has committed, or has attempted to commit, an offence and the offender is attempting to evade apprehension.*

...

7.5.1 *Drivers and escorts: when involved in a pursuit will:*

...

- *Inform the State Co-Ordinator, the VKG Shift Coordinator, of the pursuit and provide the following information:*
  - a) Call sign of the vehicle.*
  - b) Location and direction of travel.*
  - c) Description of vehicle, including the registration numbers where possible.*
  - d) Reason for pursuit.*
  - e) Weather, road and traffic conditions (inclusive of road works),*
  - f) Driver's response classification.*
  - g) Rank of the driver.*
  - h) Vehicle category.*
  - j) Description of occupants*
  - j) Provide frequent updates as to the location, direction of travel, speed of the offending vehicle, instances of erratic, and or dangerous driving, and other pertinent information.*

- 76 Flynn decided to initiate the pursuit in circumstances where the Silver Ford was travelling at a speed of 130km/hr in what was initially a 70km/hr zone which increased to 80km/hr. Consistent with the factors the SDP require to be considered, the weather was fine, it was not an area traversed by pedestrians, there was minimal traffic on the road, and no visible vehicles ahead of the Silver Ford. Further, the speed and manner of driving prior to LSC Flynn's engagement with the Silver Ford was inherently unsafe such that the Silver Ford was being operated in a manner which posed a risk to road users.
- 77 Clause 7.2.1 requires an officer to balance the need to apprehend the offender against the risk posed by the pursuit considering the factors referred to in clause 7.2.2.
- 78 The balancing exercise described is an ongoing one. Flynn terminated the pursuit when the Silver Ford hit the barrier. At this point, even once he knew the Silver Ford was continuing, the manner of driving was such that the balancing exercise weighed in favour of terminating the pursuit. This was an appropriate course to take.

79 I find that Flynn's decision to commence and continue the pursuit until the point of actual termination (when the Silver Ford hit the barrier), was reasonable and consistent with the SDP in all the circumstances.

80 In relation to Flynn's communication with VKG during the pursuit:

(1) Flynn was by himself both driving at a high speed and responsible for operating the radio, which was required to be handheld. With the focus on his own safety and the safety of others, there were limitations to his ability to communicate in comparison to a situation where there is a passenger operating the radio where the officers are in a '2-up' scenario.

(2) Based on my finding that the pursuit commenced at 4.19.25am when he notified VKG of the pursuit, to 4.19.42am when the Silver Ford hit the barrier, 17 seconds had lapsed. In that time, he advised VKG of his call sign and his location. He also advised of the manner of driving – including the Silver Ford hitting the barrier.

81 Significantly, the pursuit was terminated at around the same time the pursuit manager, Campbell, had made it to the consol to monitor the pursuit. This is indicative of how brief it was.

82 Given the brief nature of the pursuit combined with the fact that Flynn was alone in CS-231, I consider the information he provided to VKG during the pursuit was reasonable in all the circumstances.

### **Concluding remarks**

83 I will close by conveying to the McGregor family my sympathy for the profound loss of JM.

84 I thank the Aboriginal Coronial Information and Support Program social worker, Simone Kubecka for her invaluable work.

85 I thank the Assisting team for their outstanding support in the conduct of this inquest.

86 I thank the officer in charge, Det. Sgt. Daley, for his work in conducting the investigation and compiling the brief of evidence which was supplemented by the Assisting team.

**Statutory findings required by s 81(1)**

87 As a result of considering all the documentary and the oral evidence heard at the inquest, I make the following findings:

**Identity**

The person who has died is JM

**Place of death**

Rawson Avenue, Sutherland

**Date of death**

18 April 2022

**Cause of death**

Multiple injuries

**Manner of death**

JM's death occurred as a result of a police operation: his injuries were suffered in a motor vehicle collision occurring shortly after the termination of a police pursuit of the vehicle in which he was travelling.

I close this inquest.



**Magistrate R Hosking**

Deputy State Coroner

Lidcombe

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## Annexure A

Time	CS-231 speed	Event
4:18:19	131km/h	Flynn accelerates to reach the Silver Ford.
4:18:45	112km/h	Flynn maintains a consistent distance from the Silver Ford, conducting a 'speed check.'
4:19:18	151km/h	Flynn activates his lights and sirens.
4:19:25	176km/h	Flynn informs VKG: <i>City South 231 urgent in pursuit</i>
4:19:31	181km/h	VKG: <i>City South 231 just your location</i>
4:19:34	184km/h	The Silver Ford passes to the right of a sedan.
4:19:35	183km/h	Flynn: <i>On the highway heading towards Rawson Avenue, VKG says, Is that at Sutherland?</i>
4:19:42	190km/h - 179km/h	The Silver Ford loses control and impacts the concrete barrier. Flynn's speed decreases.
4:19:43	154km/h	Flynn: <i>Yeah that's correct he's crashed radio, he's crashed into the, ah, barrier.</i>
4:19:48	120km/h - 135km/h	Flynn: <i>Ahh disregard he's actually continued, he's going to be significantly damaged. He's off into Rawson Avenue...</i>
4:19:51	135km/h	The Silver Ford exits the Princes Highway onto Rawson Ave.
4:19:54	127km/h	Flynn: <i>Ah, still at speed. Ah, terminating the pursuit.</i>
4:19:56	122km/h	The Silver Ford passes to the left of the Coles Truck and impacts the kerb.
4:20:00	109km/h	Flynn deactivates his lights and sirens and decreases his speed.
4:20:07	81km/h	VKG: <i>City South 231 last direction</i> Flynn: <i>Ahh last seen grey falcon, last seen towards Sutherland CBD.</i>
4:20:10	59km/h	The Silver Ford can be seen yawing to the right and across Rawson Road.
4:20:12	53km/h	The Silver Ford's lights disappear, consistent with it impacting the tree and the telegraph pole. Flynn: <i>Ah disregard, actually he has turned right into the um, ah, where the leisure centre is. That'll be a dead end in there.</i>
4:20:16	79km/h	Flynn drives through a roundabout on Rawson Ave.
4:20:31	129km/h	Flynn vehicle travels along Rawson Avenue. Lights and sirens are not activated.