

SOUTH



AUSTRALIA

## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 18<sup>th</sup> and 19<sup>th</sup> of June 2001 and 4<sup>th</sup> of September 2001, before Wayne Cromwell Chivell, a Coroner for the said State, concerning the death of James Steven Joseph Coventry.*

*I, the said Coroner, find that James Steven Joseph Coventry, aged 27 years, late of Unit 2, 2 Second Avenue, Payneham South, South Australia, died at Thebarton on the 11<sup>th</sup> of January 2000 as a result of traumatic rupture of the mid brain complicating ring fracture of the skull base. I find that the circumstances of the death were as follows:*

### 1. **Introduction**

- 1.1. At just after 4am on Tuesday, 11 January 2000, a Ford Falcon station wagon driven by the deceased, James Steven Joseph Coventry, collided with several trees on the northern side of George Street at Thebarton. As a result of the collision, the motor vehicle disintegrated, and Mr Coventry sustained fatal injuries.
- 1.2. Prior to the collision, the vehicle driven by Mr Coventry had been pursued by a marked police vehicle driven by Constable B J Hodge, with Probationary Constable R Golley as passenger, stationed at Adelaide Response Patrols, South Australia Police ('SAPOL'). It is arguable whether Mr Coventry's death constitutes a 'death in custody' within the meaning of Section 12(1)(d)(a) of the Coroner's Act 1975. A protocol for investigation into deaths in custody, developed between my office and the Commissioner of Police, treats such cases as deaths in custody. Since I decided that an inquest into the death was desirable in the public interest, the strict definition is somewhat academic in the circumstances of this case.

1.3. An extensive investigation into the death was carried out by a team lead by Inspector R S Bubner of the Traffic Operations and Investigation Section of SAPOL at the direction of the Deputy Commissioner of Police, Mr N J McKenzie. The standard of the investigation was equivalent to that expected of investigations into deaths in custody.

1.4. Cause of death

A post mortem examination of the body of the deceased was performed by Dr R A James, Chief Forensic Pathologist, during the morning of 11 January 2000. Dr James found that the cause of Mr Coventry's death was 'traumatic rupture of the midbrain complicating ring fracture of the skull base'. (Exhibit C3a, p2). Dr James commented:

'Post mortem has shown death was due to a ring fracture of the skull base with laceration of the mid brain. This injury is undoubtedly the result of the vehicle accident and is regarded as untreatable.'

(Exhibit C3a, p5)

**2. Circumstances of the collision**

2.1. Hodge, the driver of the police vehicle, stated that he first saw the 1979 Ford station wagon, registration number SJK-036, while the police vehicle was travelling west on North Terrace approximately 20 metres west of the intersection with King William Street. The Ford was turning left onto North Terrace from Woodsons Lane, directly in front of the police vehicle. The vehicle was driven west on North Terrace and turned left into Bank Street without indicating. The police car followed it and stopped directly behind it at the intersection of Bank Street and Hindley Street. After the vehicle turned right onto Hindley Street, Golley informed Hodge that the vehicle had been unregistered since 1997. Golley had obtained this information using the KDT (computer data terminal) in the car.

2.2. The officers followed the car in a westerly direction on Hindley Street, and then turned right into Morphett Street to travel north, at which time Hodge activated the flashing dome lights and flashed the high beam in the police car. The Ford did not stop, but rather continued into the slip lane along the side of the Morphett Street bridge and then turned left on North Terrace, violating a red traffic light. The vehicle then travelled west on North Terrace followed by the police car. Hodge said he sounded the horn and flashed the headlights several more times. As the Ford accelerated, Golley activated the police sirens while they were approximately 20

metres behind the Ford. Hodge estimated the speed of both vehicles at this stage on North Terrace at approximately 70 kilometres per hour (Exhibit C33, p2).

- 2.3. Hodge communicated with SAPOL Communications Centre ('Comcen') via the radio that the vehicle was failing to stop and was travelling west on North Terrace. The radio transmission was received and noted at 4:03am by Constable Borgardt in Comcen. The communications have been transcribed in Borgardt's statement (Exhibit C8a), and provide a description of what transpired from there. Hodge is '3AD11':

'3AD11 Said, We've got a fail to stop North Terrace travelling west towards Port Road, SJK036.

3AD11 Said, Crashed red lights North Terrace, West Terrace, continuing west, speed is 100, over Gaol Road now. Traffic is nil, roads are dry.

3AD11 Said, He's had a crash just come to the corner of George Street. Car's on fire, we're going to need ambos urgently.

3AD11 Said, Eleven.

I Said, Just the location of the car, we're getting ambos.

3AD11 Said, Yeah roger, we're going to need ambos and the vixen here, on George Street, Thebarton, the cars in half'

(Exhibit C8a, p1)

Borgardt said that the advice concerning the crash came approximately 39 seconds after the initial transmission in North Terrace.

- 2.4. Consistent with his radio communication, Hodge said that as he followed the vehicle west on North Terrace it disobeyed a red light at the intersection of West Terrace and North Terrace, continued west on Port Road and was continuing to accelerate. He said that as they travelled west on Port Road the vehicle was approaching 100 kilometres per hour, and the police vehicle was approximately 50 metres behind it. The vehicle then travelled through the intersection of Gaol Road and continued west on Port Road at a speed in excess of 100 kilometres per hour, approaching the intersection with George Street. Hodge said that there was a vehicle stationary facing west on Port Road, obeying the red light. He saw the Ford vehicle swerve to the left behind the stationary vehicle so that it could veer left and travel west along George Street (T94).
- 2.5. Hodge said that as the Ford travelled across the intersection he saw sparks coming from the rear wheels and, in view of the dangerous way in which the vehicle was

being driven, he decided not to continue the pursuit and so he began to decelerate (T95-96).

- 2.6. Hodge said that the vehicle disappeared from view as it entered George Street and 'I suddenly heard a loud bang and saw smoke coming from around the corner'. (Exhibit C33, p3).
- 2.7. As the police vehicle entered George Street, the officers saw a large amount of smoke and debris all over the street. Comcen was advised and an ambulance and other resources requested. Hodge extinguished a small fire in one section of the vehicle which had disintegrated into several pieces. Golley found Mr Coventry in the rear section of the vehicle which was about 20 metres south-west of the front portion. Both officers quickly concluded that the driver was deceased.
- 2.8. Golley corroborated Hodge's version of these events in most details, except that she said that the Ford vehicle obeyed the lights at the junction of Morphett Street and West Terrace rather than driving through them, as Hodge asserted (T54). In particular, she confirmed that it was not until both vehicles were on North Terrace and the Ford began accelerating away that she realised that the driver did not propose to stop. She said that she checked the speedometer on the police vehicle on North Terrace, before it reached West Terrace, and that it was travelling at 100 kilometres per hour, whereas Hodge said that it was not until Port Road that this speed was attained. Golley said that the Ford accelerated through the intersection of North and West Terraces, running the red light, whereas they slowed down, and from that time on the Ford continued to accelerate and the distance between the two cars increased. She said that the police car was several hundred metres behind the Ford by the time it entered the intersection of George Street, East Terrace and Port Road. She estimated that the Ford was travelling at over 150 kilometres per hour by that stage (T76).
- 2.9. I accept both police officers as honest witnesses. Hodge was the more experienced of the two, and I suspect remained a little calmer throughout the incident. I prefer his evidence where it conflicts with Golley's.
- 2.10. Civilian witnesses  
Mr Kosmas Kalogerinis is a taxi driver who was driving his taxi on West Terrace approaching the intersection with North Terrace intending to turn left into Port Road. He said that as he turned into West Terrace he saw a car travel west on North Terrace through the intersection, against the traffic lights. Mr Kalogerinis said that the vehicle

was travelling at between 60 and 70 kilometres per hour, and accelerating. He described the car as a dark-coloured station wagon. (Exhibit C29, p2).

- 2.11. Mr Kalogerinis saw a police car follow the car through the intersection with its red and blue flashing lights and siren operating. He said the police car was about two lengths behind the station wagon, which is very close. He conceded to Mr Illingworth, Counsel for the Commissioner of Police, that the distance could have been as much as 40 metres between the vehicles (T18).
- 2.12. Mr Kevin Mooney's vehicle was stationary in the right-hand of three straight ahead lanes for north bound traffic on East Terrace. He noted the presence of a 'Vili's' van in the lane to turn right alongside his vehicle. His attention was drawn to the police siren and then saw the lights on the police car. He saw the Ford station wagon cross the intersection and travel into George Street and, as it did so, saw the bottom of the vehicle scrape the bitumen causing sparks. He described the speed of the vehicle as 'very fast'. (Exhibit C30, p2). He said that he did not see the station wagon until it crossed the road in front of him. He said the police car was about 100 metres behind the station wagon, a 'good two to three seconds behind the station wagon' when he saw it. He said the police vehicle crossed the intersection at a much slower speed than the Ford (Exhibit C30, p2).
- 2.13. Mr Barry Seidel was driving his truck, which was decorated with 'Vili's' advertising, and was stationary in the right-turning lane on East Terrace facing North. He intended to turn right and head towards the city. He was unaware of the presence of Mr Mooney's vehicle. His attention was also first attracted by the noise of the siren, then the flashing lights of the police car and then the sight of the police car crossing over the Thebarton railway bridge. He said that he then saw the Ford station wagon about 100 metres in front of the police car 'and pulling away'. (Exhibit C31, p1). In court, he revised his estimate to 150 feet between the two vehicles (T34), but he was unsure in cross examination (T40). Mr Seidel also saw the undercarriage of the car contact the roadway and sparks come from the bottom of the car as it entered the eastern end of George Street. He said that as the car entered George Street he saw the back of the car 'sway around a bit'. (Exhibit C31, p2). He estimated the speed of the station wagon at approximately 100 kilometres per hour (T37).
- 2.14. Both Mr Mooney and Mr Seidel heard the sound of the collision after the station wagon entered George Street. Neither of them saw the stationary vehicle on Port

Road, around which the station wagon allegedly swerved, before veering left into George Street on the evidence of Hodge and Golley.

### **3. Accident reconstruction**

3.1. Senior Sergeant Graham England, a Technical Examiner with SAPOL Traffic Operations and Investigation Section, and a man who is well qualified and widely experienced in the field of accident reconstruction, has performed certain calculations based upon the available information. He determined that the ‘critical curve speed’ for a vehicle turning left from the left lane of Port Road, as alleged by Hodge and Golley, was between 111 and 119 kilometres per hour. (Exhibit C10a, p6). Sergeant England defines the critical curve speed as:

‘... speed at which the vehicle’s requirement for friction is exceeded and at which the rear of the vehicle will start to move off at a tangent, thereby causing the vehicle to yaw or side slip’.

(Exhibit C10a, p5)

3.2. As it is not apparent that the Ford station wagon was sliding as it crossed the intersection of Port Road, East Terrace and George Street, Sergeant England calculated that its speed was likely to have been less than between 111 and 119 kilometres per hour. He was unable to accurately estimate the actual speed of the vehicle, but:

‘It’s speed would have been well above the 60 kilometres an hour speed limit for the area’.

(Exhibit C10a, p7)

3.3. Sergeant England said that he inspected the scene and noted that the Ford had disintegrated into pieces, with part of the front of the vehicle on the northern footpath of George Street, a part of the rear of the vehicle lying on the left side of the road surface of George Street, and a number of other pieces lying over the road and the footpaths. He also noted that three of the trees on the northern side of George Street were damaged and, lying to the north of the damaged trees, was the right front mudguard, right side doors and part of the rear right of the vehicle.

3.4. Sergeant England analysed the collision dynamics as follows:

‘When the Ford station wagon reached George Street, based on the tyre mark at the entrance to that road, the vehicle was turning on one line into the roadway and then appeared to make a slight deviation to the right before continuing on the left turn. At

that time the vehicle was moving towards the trees on the northern side of the road. The front ... of the vehicle struck its first tree, which probably peeled off the front right mudguard and the right side doors. The vehicle then struck a second tree and was torn into two pieces. This collision also caused the vehicle to rotate in a clockwise direction. Following the second collision the front of the vehicle moved along the northern footpath and struck a third tree which prevented it from moving much further. The rear of the vehicle moved back onto the roadway and rotated across the roadway to the position in which it came to rest’.

(Exhibit C10a, p4)

- 3.5. I accept Sergeant England’s analysis, and find that these were the circumstances of the collision.

#### 4. **Issues arising at the inquest**

##### 4.1. Urgent duty driving

This is defined in SAPOL General Order 5810.14 as ‘driving in a manner which, when compared with normal risks, substantially increases the risk of injury to police, the public or suspects, or of damage to property ...’.

##### 4.2. The General Order provides:

- ‘the urgent duty driving should not be disproportionate to the circumstances;
- risk must be continually assessed in terms of the potential danger to all and the risk of damage to property;
- police have a duty of care not to endanger other road users and must exercise an extreme level of awareness and caution.

...

Urgent duty driving may only be undertaken:

- in response to an emergency involving obvious danger to human life; or
- in the detection of a very serious crime.

In all cases, the known reasons for the urgent duty driving must justify the risks involved.’

##### Considerations for institution/continuation

Before commencing and while engaged in urgent duty driving the senior member and the driver must consider:

- the seriousness of the emergency or crime;
- the degree of risk to the lives or property of police, the public or the suspect/s;
- whether the driver holds the appropriate driving permit;
- whether immediate apprehension is necessary (if in pursuit);
- the availability of other police assistance;

- the capability and type of police vehicle or forthcoming assistance;
- the practicability of using other stopping devices such as road spikes;
- environmental and climatic conditions;
- police driver competence and local knowledge.

If the urgent duty driving involves a pursuit it must be terminated when:

- the necessity to immediately apprehend is outweighed by obvious dangers to police, the public or the suspects if the pursuit is continued; or
- the apprehension can be safely effected later (eg, the identity of the owner/occupants of the vehicle is known)
- instructed by supervisor, State Duty Officer of Communications Senior Sergeant.

If the urgent duty driving involves an emergency response it must be terminated when the necessity to attend urgently is outweighed by obvious dangers to police or the public.’

(Exhibit C33)

- 4.3. Hodge told me that when the sirens were activated on the police vehicle in North Terrace and when he called into Comcen that they had a ‘fail to stop’, he was involved in nothing more than a run of the mill ‘fail to stop’, of the type which happens in ordinary traffic policing (T87).
- 4.4. Hodge said that the Ford vehicle steadily accelerated down North Terrace so that, by the time it went through the intersection with West Terrace, it was doing no more than 70 kilometres per hour. He did not expect a ‘high speed chase’. (T87).
- 4.5. Hodge said that even after they went through the West Terrace intersection, he was not sure that the driver of the Ford was aware that they were behind him (T88). However, his speed steadily increased to 100 kilometres per hour at about the intersection of Port Road and Gaol Road.
- 4.6. Hodge told me that they lost sight of the Ford vehicle when it passed over the Keswick railway bridge, and when they saw it again it was down near the intersection of Port Road, East Terrace and George Street and it was travelling faster than 100 kilometres per hour (T91). He then saw the hazardous swerve to the left to go around the parked car and then the veering left into George Street and concluded that the risks to all involved if he continued to pursue the car, were not worth the seriousness of the offences committed thus far. He said that he therefore decided against becoming involved in a high speed pursuit, or ‘urgent duty driving’ (T95-96).

- 4.7. Since Hodge was the senior officer present, it was clearly his decision to terminate the pursuit.. As such, his decision was in compliance with SAPOL General Order 5810.
- 4.8. If ‘urgent duty driving’ had commenced, Hodge would have been required to activate all emergency warning devices, flashing roof lights and headlights, notify Comcen of the nature of the duty, that all emergency warning equipment had been activated and the progress of the incident and the speeds involved, so that the State Duty Officer or other senior officers can be alerted to the urgency of the situation.
- 4.9. Clearly, the fact that Hodge had decided not to engage in a high speed pursuit is corroborated by the evidence of both Messrs Mooney and Seidel who both gave evidence that the police car was travelling at a much slower speed through the intersection than was the Ford vehicle. Mr Seidel’s estimate was less than 60 kilometres per hour (T44).
- 4.10. In all those circumstances, I can see no ground for criticism of the police. The incident commenced with a couple of relatively minor breaches of the traffic law, and the police officers had no grounds for thinking this was going to develop into a high speed chase. The whole incident took less than 40 seconds from the time Hodge radioed that he had a ‘fail to stop’ until the time that he advised Comcen of the crash. In those circumstances, I am unable to see that they could or should have acted any differently.
- 4.11. Possible explanations for Coventry’s behaviour  
Hodge had no reason to think that this was other than an ordinary case of traffic violation. However, looked at from Mr Coventry’s point of view, the situation was entirely different. Although it is always dangerous to speculate upon what may have motivated a person in a given situation without giving that person the opportunity to be heard, a number of facts which have been established may suggest an explanation for Mr Coventry’s behaviour.
- 4.12. Mr Coventry’s ‘Offender History Report’ (Exhibit C36) suggests that he had many conflicts with the law, including offences for possession of a house breaking implement, driving without a licence on several occasions, carrying an offensive weapon, driving under disqualification, driving in a reckless or dangerous manner, refusing to provide name and address, wilful damage, robbery, carrying an offensive weapon, larceny, illegal interference with a motor vehicle and many other offences both as a juvenile and as an adult.

- 4.13. On Sunday, 14 November 1999, Mr Coventry was involved in the most extraordinary example of reckless and dangerous driving. He was seen in a green Commodore sedan on a building site at Paralowie which the police believe may have been stolen. When approached by police he drove away and was pursued by the police who used revolving roof lights, sirens and high beam headlights and a 'high speed pursuit' then developed. Mr Coventry drove the vehicle through residential streets, across footpaths, across the front yard of a house breaking the water meter and front tap, around and through a building site, across another front yard, and then executed a u-turn and then drove directly at the police vehicle and then into another building site at a speed of about 80 kilometres per hour mounting the footpath causing the vehicle to become airborne to a height of about four feet, through a public playground and then on to Port Wakefield Road where police lost sight of him.
- 4.14. Another high speed pursuit took place at about 12 noon on the same day, and then at about 1:40pm that day there was a further high speed pursuit involving the same Commodore sedan. The car was eventually followed to Martins Road, Salisbury Downs where Coventry drove the car around in circles in the paddocks between Martins Road and Winzor Street being chased by a police vehicle. Ward, who had been involved in the initial pursuit, described Coventry's vehicle as 'out of control' as though he avoided trying to block his vehicle. Coventry's car was pursued down Jolsen Street, Salisbury Downs at about 100 kilometres per hour through a residential area. The vehicle was then driven right into a paddock through a four foot wire fence, and continued into the paddock dragging about 200 metres of fencing behind it. Notwithstanding this, the vehicle was driven further into a reserve and creek area where it eventually stopped and Coventry was forcefully removed from the vehicle. When spoken to by the police officers, he said:
- 'Yes, I'm mental it's my car'.  
(Exhibit C19a, p5)
- 4.15. As a result of those offences, Mr Coventry was brought before the Para Districts Court of Summary Jurisdiction where psychiatric reports were ordered. The case was adjourned to 23 November 1999 and then further adjourned to 15 December 1999. In the meantime, psychiatric and bail enquiry reports were ordered.
- 4.16. In a report dated 19 November 1999 (Exhibit C25a), Dr N P Nambiar, Consultant Psychiatrist, advised that Mr Coventry had been held at James Nash House, a secure psychiatric facility, since his arrest, and that he had been angry, depressed, agitated

and suicidal upon admission. It was also suspected that he had been abusing a variety of substances and that his behaviour at the time of the offences may have been influenced by his level of intoxication. Dr Nambiar initially advised that Mr Coventry's diagnosis remained unclear and requested an opportunity to complete a thorough assessment of his condition. It was for this reason that the case was adjourned until 15 December 1999.

- 4.17. In a report dated 7 December 1999, Dr Nambiar advised that Mr Coventry had been transferred to the Adelaide Remand Centre from James Nash House and that his condition had improved significantly. Dr Nambiar expressed the opinion that Mr Coventry did not have any structural brain damage and that his diagnosis remained unclear. He said:

‘It would appear that the consensus is that Mr Coventry has an unstable personality, which is characterised by behavioural dysfunction and an unstable mood. He has a propensity towards abusing illicit substances and in particular amphetamines. With the addition of his current medication there may be an improvement in his overall functioning and this may well assist in his attempt to avoid using illicit substances.’

(Exhibit C25a, Addendum Psychiatric Report, p3)

- 4.18. Dr Nambiar recommended that Mr Coventry be released on bail on the basis that his mental health be reviewed on a regular basis by Mental Health Services. A bail enquiry report was also prepared for the assistance of the court and it is signed by Mr John Richards, Coordinator, Courts Unit, Adelaide Magistrates Court and dated 15 December 1999. (Exhibit C34). Mr Richards noted that, in addition to the offences at the Para Districts Court, Coventry was also due to appear before the Port Adelaide Magistrates Court on 10 January 2000 for possessing house breaking implements, larceny, assault police (three counts), resist arrest (two counts), driving in a reckless or dangerous manner, failing to stop after an accident causing property damage (two counts) and damaging property and driving without a licence, and assault occasioning actual bodily harm. All these offences were allegedly committed during October and November 1999. Mr Richards said that he was told that Coventry had been abusing drugs and alcohol and remembered little of the events leading to the offences in question, he had not taken his medication for his psychiatric disorder, and that on occasions in January 1999 he had:

‘repeatedly struck his head with a hammer causing injuries to his head which required medical treatment’.

(Exhibit C34, p3)

4.19. Mr Richards said that Mr Coventry appeared:

‘genuinely concerned about the impact his behaviour may have on others when he is ‘out of control’. His presentation at interview was that of a person who has a degree of insight and some sense of responsibility. Whether that will translate into a compliance with bail, treatment and medication regimes remains to be seen’.

(Exhibit C34, p3)

4.20. Mr Richards recommended that if Mr Coventry was to be released on bail, there should be conditions involving supervision by a probation officer, compliance with medical directions as to treatment, and that he abstain from alcohol and drugs.

4.21. Release on bail

On 15 December 1999, Mr Coventry appeared before Mr Baldino SM in the Magistrates Court at Elizabeth. The case was adjourned to 5 January 2000, and he was granted bail on the following conditions:

- 1) Not to leave the state
- 2) To be under the supervision of a probation officer
- 3) To report to Elizabeth Office of Department of Correctional Services within two days
- 4) Undertake medical or psychiatric treatment or assessment as you may be directed by your probation officer
- 5) Not to consume alcohol
- 6) Not to consume any non prescription drug
- 7) Report each Monday, Wednesday and Friday to the Officer In Charge of the Elizabeth Police Station between the hours of 7am and 9pm
- 8) To reside where directed by a probation officer’

(Exhibit C35)

4.22. Non-enforcement of bail conditions

It is presumed that Mr Coventry signed a bail agreement to this effect and was released. A statement from Ms Paris Lee, Manager of Listings at the Elizabeth Magistrates Court, indicates that a copy of that bail agreement would have been placed in the ‘pigeon hole’ for the Department of Correctional Services, and for SAPOL collection. There was no system of written acknowledgement that such documents had been received by the agencies in question. (Exhibit C27a).

- 4.23. Ms Lee said that in the normal course of events, the Department for Correctional Services would send an officer to collect such correspondence on a daily basis, and that the Police Prosecutors in the building would normally collect the material for SAPOL, and distribute this at the Police Station. (Exhibit C27a, p3).
- 4.24. It has not been possible in the course of this investigation to determine whether either of these agencies received a copy of this bail agreement. The statement of Sergeant D J Busch of the Elizabeth Police Station indicates that he was responsible for checking that the conditions of bail were met. He said that the bail conditions received from the Court were entered onto a card (Form PD29), and that if there had been a breach of bail then the Police Prosecutions section, or the Director of Public Prosecutions, would have been advised of the said breaches and action taken (exhibit C26a).
- 4.25. Sergeant Busch said that he culls the cards every six months, and that he has been unable to find a card for Mr Coventry.
- 4.26. As for the Department of Correctional Services, Ms Arianne Pearce, Case Management Consultant from the Elizabeth Community Corrections Centre, advised that bail documents are faxed from the Elizabeth Court for 'actioning' and also physically collected from the Court. She said:

‘On receipt of bail documents, a file is put together on the subject by the administration section.

The Manager then assesses it and it is assigned to a Community Corrections Officer for attention and subsequent supervision ...

I have perused the files on hand at this office and there are no bail files in reference to James Steven Joseph Coventry. That would mean that we never received the bail documents from the Elizabeth Courts. I have also checked the attendance record book from 16/12/99 and there is no record of James Coventry attending this office. If he would have attended then his bail file would have been located’.

(Exhibit C28a).

- 4.27. It is apparent that no attention was paid, by either SAPOL or the Department of Correctional Services, to any of the conditions of bail set by Mr Baldino SM. It is not possible now to establish whether either of those departments received a copy of the bail agreement in question. Whatever may have happened, the conditions as to supervision of a probation officer, reporting to the office of the Department of Correctional Services within two days, undertaking of medical or psychiatric treatment as directed, and reporting to the Elizabeth Police Station on the Monday, Wednesday and Friday of each week were not complied with.

4.28. It is therefore not possible to determine whether the Elizabeth Magistrates Court failed to advise SAPOL and Corrections of the orders made by Mr Baldino SM, or, having received advice of those orders, the two departments in question did nothing about them. Either way, this is a very unsatisfactory outcome. If Magistrates are to take the trouble of obtaining bail enquiry reports and psychiatric reports when considering whether to release a defendant on bail, the least they can expect is that some notice will be taken of the orders they make. In this case, none of the very careful directions suggested by Mr Richards, and adopted by Mr Baldino SM, were heeded.

4.29. As a result of this breakdown, Mr Coventry remained at large until 5 January 2000 when he failed to appear in the Elizabeth Magistrates Court and warrants were issued for his arrest. If some heed had been paid to the conditions of bail set by Mr Baldino SM, this warrant would have been issued within two days of 15 December 1999. Of course, it is impossible to say that, had the warrant been issued that much earlier, Mr Coventry would have been apprehended and his death avoided. However, it is a matter of very serious concern that no heed was paid to the bail agreement, and the matter was left until its next scheduled appearance on 5 January 2000 at which time his bail was estreated.

4.30. Intoxication by drugs

Finally, another issue which may have played upon Mr Coventry's mind when he realised that he was being pursued by police was that he had consumed substantial quantities of amphetamines and cannabis before driving. The toxicology report requested by Dr James disclosed that his blood contained:

- '(1) 0.12 mg methylamphetamine per litre. (excess but not fatal)
  - (2) approximately 0.03 mg amphetamine per litre. (sub-therapeutic)
  - (3) approximately 3.3 mg valproic acid per litre. (sub-therapeutic)
  - (4) tetrahydrocannabinol
  - (5) 11-nor-9-carboxy-tetrahydrocannabinol
- (Exhibit C5a)

4.31. Mr Coventry's history of psychiatric illness, or personality disorder, of undetermined type, his history of aggressive and impulsive behaviour, his history of resorting to dangerous driving of an extreme type in order to avoid apprehension by police, the fact that there was a warrant in existence for his apprehension, the fact that his vehicle was unregistered and uninsured, and the fact that he had consumed substantial

quantities of illicit drugs may all have contributed to his decision to try and avoid apprehension by the police, by driving in the reckless and dangerous manner described by the witnesses at the inquest.

## **5. Conclusion**

- 5.1. In view of all of the above evidence, I find that James Steven Joseph Coventry died on 11 January 2000 as a result of traumatic rupture of the mid brain complicating ring fracture of the skull base. I find that Mr Coventry received these injuries when the car he was driving collided with three trees on George Street at Thebarton while he was attempting to evade apprehension by police officers. I find that there was nothing in the behaviour of the police officers in question which caused or contributed to the collision which caused Mr Coventry's fatal injuries, and indeed that he was entirely responsible for his own demise. I find that there is no ground upon which the police officers involved can be criticised in any way.

## **6. Recommendations**

- 6.1. Section 25(2) of the Coroner's Act 1975 empowers me to make recommendations following an inquest if, in my opinion, to do so may 'prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the inquest'.
- 6.2. I have already found that there is nothing that the police officers could have done or refrained from doing which would have effected the result. However, it seems to me that if more attention had been given to the orders made by Mr Baldino SM in the Magistrates Court in Elizabeth on 15 December 1999, this entire incident might not have occurred. I am unable, on the facts before me, to determine whether the fault for the non-implementation of Mr Baldino's bail conditions is the fault of the Courts Administration Authority, the Department of Correctional Services, or SAPOL, or a combination of all three. What is particularly disturbing is that there is no way that this can now be checked. There is no method by which the performance of any of these agencies can be audited in relation to this very serious issue.
- 6.3. As I have said, it is not now possible to say that, if the bail agreement had been properly enforced, Mr Coventry's death would have been avoided. However, it is possible to say that the chance has been lost. Accordingly, I recommend:
- That the Courts Administration Authority, Department of Correctional Services and SAPOL examine their practices and procedures in relation to the implementation and

enforcement of Bail Agreements, with a view to establishing lines of accountability for communication of the terms of the Agreement between the Court and the authority charged with the responsibility of enforcing the Agreement, and lines of accountability for the enforcement of the Agreement.

*Key Words: Deaths in custody, police investigation, motor vehicle accident, bail conditions - enforcement of.*

*In witness whereof the said Coroner has hereunto set and subscribed his hand and*

*Seal the 4<sup>th</sup> day of September, 2001.*

.....  
*Coroner*

Inq.No. 14/01 (0081/2000)