



FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 18th and 20th days of January and the 17th day of February 2011, by the Coroner's Court of the said State, constituted of Anthony Ernest Schapel, Deputy State Coroner, into the death of Derrick Terence Lee Wanganeen.

The said Court finds that Derrick Terence Lee Wanganeen aged 24 years, late of 1 Elias Street, Para Hills West, South Australia died at Warnertown (Highway 1), South Australia on the 6th day of May 2009 as a result of upper cervical spinal crush injury. The said Court finds that the circumstances of his death were as follows:

1. **Introduction**

1.1. Derrick Terence Lee Wanganeen, aged 24, died on 6 May 2009 from injuries sustained when the vehicle he was driving left the road at high speed, rolled and crashed into a culvert. He died at the scene. A post-mortem examination was conducted with respect to Mr Wanganeen. The autopsy was conducted by Dr Karen Heath¹, a forensic pathologist employed by Forensic Science South Australia. As well, a macroscopic and microscopic examination of the brain and a microscopic examination of the spinal cord were conducted by Professor P C Blumbergs², a neuropathologist with the Hanson Institute Centre of Neurological Diseases. Based upon her own examination and the results of Professor Blumberg's examinations, Dr Heath in her post mortem report³ expresses the cause of death as upper cervical spinal crush injury due to a motor vehicle accident. I find that to have been the cause of Mr

¹ Exhibit C3a

² Exhibits C7a, C7b and C7c

³ Exhibit C3a

Wanganeen's death. The injury in question occurred as a result of Mr Wanganeen having been ejected from the motor vehicle.

- 1.2. Analysis of a specimen of blood taken at Mr Wanganeen's autopsy showed a blood alcohol concentration of 0.064%. In addition there was a therapeutic concentration of the sedative drug diazepam in Mr Wanganeen's bloodstream as well as its metabolite nordiazepam. A certain level of tetrahydrocannabinol was detected in the blood which was consistent with recent ingestion of cannabis. Another cannabinoid substance was detected in the bloodstream that was consistent with previous use of cannabis.
- 1.3. The possible effects of these substances, particularly in combination, are described in the statement of Professor Jason White who is the Professor and Head of the Discipline of Pharmacology at the University of Adelaide. He is also a Director of Drug and Alcohol Services South Australia. Professor White is an expert in the field of pharmacology. I set out here Professor White's summarised opinion in relation to the likely effects of these substances on Mr Wanganeen:

'The effects on Mr Wanganeen of the drugs found in the blood sample collected after the crash indicate that he would have been significantly affected by a combination of alcohol, diazepam and cannabis. Research has been carried out to assess the combined effects of cannabis and alcohol. In general, the results showed that the combined effects are greater than the effects of either drug alone. The level of impairment is increased when cannabis is combined with alcohol, and this is observed for a range of characteristics of driving behaviour. In addition, cannabis will enhance the sedation produced by alcohol. While the effect of the diazepam alone would have been relatively mild, diazepam can increase the effects of alcohol. It would therefore have compounded the impairment due to alcohol and cannabis. In addition, there would have been an increased likelihood of risk taking arising from the effects of diazepam and alcohol. This could have been manifested as increased speed or other kinds of risky driving behaviour. Thus, Mr Wanganeen's ability to drive the vehicle safely at the time of the crash would have been significantly impaired by the combination of alcohol, diazepam and cannabis he had consumed.'⁴

I accept that Professor White's analysis and find that Mr Wanganeen's ability to drive a vehicle safely on the occasion in question would have been significantly impaired by the combination of alcohol, diazepam and cannabis that he had consumed.

⁴ Exhibit C6a

2. The incident in question

- 2.1. The accident with which this Inquest is concerned occurred on the Princes Highway at Warnertown. Warnertown is approximately 210 kilometres north of Adelaide. The vehicle that Mr Wanganeen was driving was a white 1989 Holden Commodore sedan that was owned by a resident at Paralowie. The vehicle had been parked in the street. Sometime on the evening of Wednesday 6 May 2009, the night of Mr Wanganeen's death, Mr Wanganeen took the vehicle without the consent of the owner. It appears that he was able to start the vehicle by manipulating the ignition with a screwdriver. I understand the owner of the vehicle had no connection with Mr Wanganeen or any of his associates. It was a random theft.
- 2.2. Mr Wanganeen had a number of Court outcomes that had involved offences relating to the use of a motor vehicle. In the Elizabeth Children's Court he was placed on a good behaviour bond in respect of an offence of driving or using a motor vehicle without the consent of the owner. This occurred in the year 2000. In 2002 in the Adelaide Children's Court, without conviction, Mr Wanganeen's driver's licence was disqualified for a period of 12 months for 5 offences of driving or using a motor vehicle without the consent of the owner. In 2005 Mr Wanganeen was convicted in the Elizabeth Magistrates Court of 5 counts of driving an unregistered and uninsured motor vehicle and 6 counts of being an unauthorised person driving a motor vehicle on a road. Mr Wanganeen was placed on a good behaviour bond with a further driver's licence disqualification. In the District Court of South Australia in May 2006 Mr Wanganeen was sentenced to a suspended term of imprisonment for aggravated serious criminal trespass and damaging property. At the same time he was convicted of driving an unregistered and uninsured motor vehicle, being an unauthorised person driving a motor vehicle on a road and driving a vehicle with an altered registration label. This invoked a driver's licence disqualification for 12 months. At the time with which this Inquest is concerned Mr Wanganeen was not, and never had been, the holder of a South Australian driver's licence or the holder of a driver's licence in any other State of Australia. I add here that the bond attached to the suspended prison sentence that I have referred to and the driver's licence disqualifications that I have referred to were not operative at the time of these events.
- 2.3. There were three other occupants of the vehicle at the time of the fatal accident. They were Kaywana Humphries aged 17 years, who appears to have been Mr

Wanganeen's current girlfriend of two weeks, Brian Humphries aged 13 years who is the brother of Kaywanna Humphries and Robert John Wilson aged 13 years. Kaywanna Humphries was seated in the front seat at the time of the accident. The two boys were seated in the rear. Kaywanna Humphries suffered serious internal and spinal injuries. Brian Humphries also suffered a serious spinal injury. Robert Wilson suffered a fractured right arm and other injuries. As seen earlier, Mr Wanganeen had been ejected from the vehicle. He had been the only person not wearing a seatbelt.

- 2.4. The fatal accident was the culmination of a journey that had commenced that night at premises in Wingfield. The journey in the stolen Commodore took was taken on Port Wakefield Road and then Highway 1 towards Port Augusta. Warnertown, where the accident occurred, is a small town on Highway 1 that consists of a few houses and a licensed hotel. The speed limit on Highway 1 in Warnertown is 80 kilometres per hour.
- 2.5. The reason for the journey is not entirely clear. The statement of Kaywanna Humphries⁵ suggests that she may have believed that they were travelling to Western Australia, her home state. There is another suggestion that Mr Wanganeen's intention was to travel to Port Augusta in the stolen Commodore in order to collect his own stolen vehicle which had been located in that town. The precise reason for the journey is not material to the issues in this Inquest.
- 2.6. Almost from the outset Mr Wanganeen's manner of driving was outrageously reckless and it remained that way for the entire journey. He drove at high speeds and undertook risky overtaking manoeuvres placing himself and his passengers at serious risk. In due course police attempted to intervene but were unsuccessful. Mr Wanganeen continued to drive in a dangerous manner and he eventually caused his own death and seriously injured his passengers. His manner of driving not only constituted a significant and unacceptable risk of harm to himself and the occupants of the vehicle, but also to other users of that highway. Such was Mr Wanganeen's manner of driving that his vehicle became quite conspicuous at different locations along the route. Dangerous incidents and alarming speeds were observed by several road users who were subsequently to provide statements to the police and, indeed, at least one of them found it necessary to call the police to report what that person had just witnessed. Adding to the vehicle's ease of identification along the route was the

⁵ Exhibit C8a

fact that it was almost universally noticed that the owner's P-Plate was displayed on the back window of the vehicle. There can be no doubt that the observations made independently by a number of road users that night all concerned the vehicle in question and it is also clear that Mr Wanganeen was behind the wheel in respect of each such observation. I will come to some of the detail insofar as is necessary in a moment but in the event a police Sergeant from Port Pirie, upon receiving a report or reports of this vehicle as it travelled north, decided to venture out onto the highway in order to detect and hopefully intercept and stop the vehicle. That person was Sergeant Steven Griggs who was a police officer stationed at Port Pirie and who on the night in question was the duty supervisor for the police afternoon shift commencing at 3pm.

- 2.7. Sergeant Griggs was able to locate the target vehicle travelling north on Highway 1 in the vicinity of the Gladstone turnoff south of Warnertown. Sergeant Griggs utilised his police vehicle's static mobile radar and detected that the vehicle was being driven at 123 kilometres per hour in a 110 kilometres per hour zone at that time. This speed is in fact towards the lower end of the scale of speeds at which the vehicle had earlier been driven as estimated by members of the public. Sergeant Griggs eased in behind Mr Wanganeen's vehicle which then stopped opposite the Gladstone turnoff. It is not completely certain why Mr Wanganeen stopped at that point and in particular whether it was actually due to his having sighted the police vehicle behind him. There is a suggestion that perhaps he was at first not aware that the vehicle was a police vehicle despite every indication to the contrary. He alighted from the car, but then hurriedly returned as if he had suddenly realised that it was a police vehicle that had pulled in behind him. In any event, he then restarted the vehicle with the screwdriver and accelerated north along Highway 1 in order to put distance between himself and the police officer. In doing so he achieved speeds and drove in a manner that replicated his earlier driving behaviour along the route. It was during the course of this last piece of driving that the fatal accident occurred. Mr Wanganeen's vehicle left the road after he lost control of it on a left-hand bend in Warnertown. I return to describe Sergeant Griggs' truncated pursuit of the vehicle in a moment.
- 2.8. In order to place that pursuit in its proper context is pertinent to mention here some of Mr Wanganeen's driving behaviour leading up to the point where his vehicle stopped near the Gladstone turnoff. At approximately 9pm on the highway near Bolivar, an

off duty police officer by the name of Tegan Rowbottom was overtaken by the white Commodore at a speed of approximately 130 kilometres per hour.

- 2.9. Shortly thereafter at about 9:10pm, another off duty police officer, a Mr Peter Costello, was overtaken by the same vehicle driven at a speed of between 120 to 140 kilometres per hour.
- 2.10. At about 9:15pm a Mr Peter Farley was driving on the highway at Lower Light when he observed in his rear view mirror the white Commodore approaching at a very high speed. It overtook Mr Farley's vehicle at an estimated speed of approximately 160 kilometres per hour. Shortly afterwards, and after the Commodore had sped into the distance, he observed it pulled over to the side of the road. As Mr Farley approached, the Commodore moved quickly back out onto the highway causing Mr Farley to brake in order to avoid a collision.
- 2.11. A truck driver by the name of John Vanleerdam was driving a B Double semitrailer along the Port Wakefield Road. He witnessed the Commodore at about 9:15pm on the highway in the Wild Horse Plains district. He had heard some chatter on his UHF radio regarding a speeding white Commodore and upon checking his mirrors he saw a car approach his truck from the rear. It then passed him at an approximate speed of 160 kilometres per hour. Mr Vanleerdam shortly afterwards observed the Commodore at Port Wakefield where, according to Kaywanna Humphries, they had stopped to buy cigarettes and also to rectify a loose battery lead. Mr Vanleerdam again saw the white Commodore about 10 kilometres north of Port Wakefield. At that time his rig was overtaken again by the Commodore at an approximate speed between 130 and 140 kilometres per hour. On this occasion the Commodore remained on the wrong side of the road to overtake a second B Double some 150 metres ahead. In performing that manoeuvre the Commodore stayed on the right-hand lane as it entered a left-hand bend which would have blinded Mr Wanganeen to oncoming traffic.
- 2.12. At about 9:20pm a truck driver, Mr Brian Easter, saw the vehicle. This was the first occasion of three on which Mr Easter witnessed the behaviour of this same vehicle on Highway 1. The first occasion occurred when he was travelling north in the vicinity of Wild Horse Plains. He observed the white Commodore approach from the rear and it overtook him at a speed of approximately 140 kilometres per hour. Later when Easter was overtaking another truck in the overtaking lane through the Hummock

Range, he was just about to return to the left-hand lane when the same white Commodore overtook him in the left-hand lane quite dangerously and at a speed of approximately 150 kilometres per hour. Mr Wanganeen's stop in Port Wakefield explains why the vehicle was again behind Mr Easter in the Hummock Range. Mr Easter again encountered the Commodore at approximately 9:50pm when he was travelling through Lochiel along Highway 1. At that point he observed the Commodore pulled over to the side of the road. He passed the Commodore and then shortly thereafter observed a set of headlights approaching him from behind. At the same time he observed a car approaching him from the opposite direction. The car behind him, which was in fact the white Commodore again, veered onto the incorrect side of the road causing the approaching car to flash its headlights at the Commodore. Mr Easter's perception was that the oncoming car had to brake heavily to avoid a collision.

- 2.13. Another truck driver, Mr Ben Scott, encountered the Commodore at about 9:40pm at Hummock Range. Mr Scott was to telephone the police about the white Commodore and its driver's behaviour. Mr Scott's own encounter with the Commodore was also very concerning. Mr Scott's vehicle was in the right-hand lane in an overtaking section and was approaching the extremity of the overtaking lane when the Commodore overtook him on the inside at approximately 150 kilometres per hour. The Commodore went onto the gravel verge for approximately 100 metres as by then the two lanes for that direction of travel had ended. The Commodore appeared to lose stability as it encountered the gravel, but the driver managed to regain control.
- 2.14. Mr Steven Wilson who was a truck driver reports that he was overtaken by the Commodore in the Lochiel area on a blind corner at approximately 160 kilometres per hour.
- 2.15. In her statement, Kaywana Humphries states that she observed the speedometer of the vehicle at 160 kilometres per hour on occasions both before and after the Port Wakefield stop. To her, the manner of Mr Wanganeen's driving and especially his overtaking of cars and trucks and remaining on the incorrect side of the road for longer than was necessary was unnerving, particularly when a near head-on collision occurred. She asked Mr Wanganeen to slow down and her request was met with sarcasm and was to little avail in any event.

- 2.16. Robert Wilson, one of the boys in the rear, maintains in his statement that Mr Wanganeen ‘wound out’ the car completely. He observed the speedometer needle in a position at its extremity, namely at 220 kilometres per hour. He told Mr Wanganeen to slow down but says that Mr Wanganeen ‘wouldn’t listen’⁶. He speaks of overtaking cars and trucks in a dangerous manner and believed that a collision was inevitable. Robert Wilson states that at one point Mr Wanganeen said that if the police caught him he would be going to gaol. He said that in the context of the revelation that the vehicle was stolen and the fact that it had to be started by Mr Wanganeen with a screwdriver.

3. The journey into Warnertown and the pursuit

- 3.1. When Mr Wanganeen took off from the location where he had stopped on the highway, he narrowly avoided colliding with a semi-trailer that was approaching the location from the south. Fortunately the driver of the semi-trailer was able to take evasive action owing to the widening of the carriageway at the Gladstone turnoff. Brian Humphries saw the truck and its proximity, and the danger it presented caused him to yell out to Mr Wanganeen. Sergeant Griggs also observed the near collision. Robert Wilson was also more than a little unnerved by the nearness of a collision with the truck.
- 3.2. The distance from the Gladstone turnoff to the scene of the collision is approximately 4.6 kilometres⁷.
- 3.3. Both Brian Humphries and Robert Wilson, as well as Kaywanna Humphries, describe the journey towards Warnertown from the point where Mr Wanganeen took off. Although Kaywanna Humphries did not look at the speedometer, she felt that the vehicle was travelling faster than the normal highway speed of 110 kilometres per hour. Brian Humphries suggests that Mr Wanganeen accelerated to a speed of 220 kilometres per hour, a speed that he claims he saw registered on the speedometer. Robert Wilson in his statement suggests that the acceleration of the vehicle was ‘hard’ and that the speed registered on the speedometer was increasing rapidly.
- 3.4. Brian Humphries suggests that at one point he believed that the police vehicle that had given pursuit appeared to be slowing down and that he mentioned this to Mr Wanganeen. He looked at the speedometer and could see the speed coming down to

⁶ Exhibit C10a

⁷ Exhibit C66

approximately 160 kilometres per hour, at which point Mr Wanganeen encountered a bend or bends in the road at which the vehicle started to slide. Control was then lost and the vehicle rolled.

- 3.5. I do not need to describe in detail the findings of the investigating police except that from the evidence of tyre marks at the scene, a conclusion is to be drawn that immediately prior to the loss of control, as evidenced by the first tyre mark left on the road surface, Mr Wanganeen's vehicle had been on the incorrect side of the road on a left-hand bend. Having steered to the left, the evidence shows that whilst attempting to circumvent the sweeping left bend the vehicle was driven at such a speed that the inertia of the vehicle overcame the friction of the tyres, pulling the vehicle around the bend. The vehicle then started to rotate in an anticlockwise direction across both traffic lanes of the highway. The vehicle then left the western side of the roadway, colliding with two road signs. It also collided with a small clump of trees and ultimately collided heavily with a concrete culvert. The impact caused the vehicle to tumble over an elevated roadway before colliding with a tree and then continuing to roll to its rest position. An accident reconstruction yielded an opinion that the speed of the vehicle had been between 164 to 176 kilometres per hour when it started to leave critical speed tyre marks on the surface of Highway 1. This evidence, which I accept, is referred to in the statement of Brevet Sergeant David Kuchenmeister⁸. It is consistent with the observations of Brian Humphries.
- 3.6. The evidence of Sergeant Griggs, who gave oral evidence in the Inquest, was that he decided initially to pursue the vehicle because of the near miss that had taken place between it and the truck as it sped off from the vicinity of the Gladstone turnoff. Sergeant Griggs believed that he was entitled to investigate offences of failure to give way and driving in a manner dangerous, as well as acts to endanger life, all based upon the manner in which Mr Wanganeen sped off. Sergeant Griggs had also began to surmise that the vehicle was stolen. The vehicle was stolen, although this fact was not at the time known to Sergeant Griggs. However, it seems to me that speculation such as this is somewhat beside the point. The point was that Mr Wanganeen's earlier driving manner had been reportedly so dangerous and sustained that whatever offences he committed near the Gladstone turnoff paled by comparison. Sergeant Griggs could just as easily have relied, as a legitimate reason for pursuing the vehicle, on the necessity to remove it and its driver from the road in order to eliminate the

⁸ Exhibit C54a

danger that it was presenting to the public. I agree with the submission of counsel for the Commissioner of Police, Mr Michael Riches, that it was necessary for an attempt to be made to intercept the vehicle and its driver. I also agree with him that the community would rightly have expected this to occur having regard to Mr Wanganeen's earlier driving behaviour and the need to remove him from the road. In this regard, in my view, Sergeant Griggs' decision to pursue the vehicle initially, as well as the short pursuit itself, cannot be criticised and can readily be distinguished from that involved in the pursuit of Messrs Ryan and Henschke⁹ in respect of whose deaths I have delivered findings this day. Mr Ryan's driving behaviour had been nothing out of the ordinary prior to the police officer's direction to Mr Ryan to pull over. On the other hand, Mr Wanganeen's driving behaviour at the time of the fatal incident was to be regarded as an extension of his earlier driving behaviour, driving behaviour that had not in any way been precipitated by police.

- 3.7. A reconstruction of events based on the police communications transcript¹⁰ reveals that Sergeant Griggs desisted from the pursuit after approximately 50 seconds. His reason for desisting from the pursuit was the risk that would have been presented to the pursued vehicle and the risk that the vehicle itself would have presented if it had continued to have been pursued, particularly having regard to the difficulties that the driver would have encountered in negotiating at speed the bends at Warnertown, bends which in the event proved to be Mr Wanganeen's downfall.
- 3.8. When Sergeant Griggs terminated the pursuit he turned off the lights and siren of the vehicle. Strict compliance with the police General Order of the time would have required him to stop his vehicle as well. He did not do this but continued into Warnertown at a moderate speed. Brian Humphries, one of the back seat passengers of Mr Wanganeen's vehicle, asserts in his statement¹¹ that he looked back and observed the flashing lights of the police vehicle go off and the headlights of the vehicle retreat into the distance, giving him the impression that the police vehicle was slowing down. That observation is also in keeping with an obvious termination of the pursuit and of course is in keeping with Sergeant Griggs' own evidence that he desisted from the pursuit. I have already referred to the fact that Brian Humphries endeavoured to tell Mr Wanganeen this. There was no reason why Mr Wanganeen could not in any event have deduced this for himself.

⁹ Inquest 37/2010

¹⁰ Exhibit C59e

¹¹ Exhibit C9a

- 3.9. In my view the pursuit, truncated as it was, had little effect on Mr Wanganeen's driving behaviour which was wholly consistent with his earlier driving behaviour. There is no reason to suppose that his manner of driving would not have been the same regardless of any pursuit. If there was any connection between police behaviour and Mr Wanganeen's driving, it was that his manner of driving was the product of his own determination to evade police at any cost. In my view the pursuit had no material effect on the outcome.
- 3.10. To my mind there can be no suggestion that the short pursuit was anything other than appropriate, particularly having regard to its early termination, and that in any event the pursuit had little or no impact as far as the death of Mr Wanganeen was concerned.
- 3.11. It is clear to me and I so find that Mr Wanganeen's ingestion of substances played a significant role in his demise by diminishing his ability to exercise effective control over the vehicle. It also in my view meant that he had an impaired ability to make proper judgments in relation to his own safety and that of others. This matter also illustrates the folly connected with, and the extreme dangers presented by, intoxicated drivers of motor vehicles endeavouring to evade police.

4. Recommendations

- 4.1. I have no recommendations to make in this matter other than to refer to the recommendations made in my findings delivered on the same day in the matter of the deaths of Rhys Allan Gerard Ryan and Jake Spencer Henschke¹².

Key Words: Death in Custody; High Speed Chase; Police Pursuit

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

Seal the 17th day of February, 2011.

Deputy State Coroner

¹² Inquest 37/2010