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## REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings and Recommendations regarding the death of  
Delvene Thompson

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Pursuant to section 46B of the *Coroners Act 1993* (the Act), I provide this report on the findings and recommendations of Local Court Judge Elisabeth Armitage, Territory Coroner, dated 6 December 2023, regarding the death of Ms Delvene Thompson (the Deceased) (Attachment A refers).

The Report includes the responses to the recommendations of the Territory Coroner, by Mr Michael Murphy, Commissioner of Police in relation to the Northern Territory Police Force (NTPF) (Attachment B refers).

The Deceased, a 36 year old woman, died at approximately 2.30 am on 16 May 2021. The place of death was Trower Road, Alawa, Northern Territory. The cause of death was blunt force injuries to the neck due to a motor vehicle accident.

### Recommendations of the Coroner

At paragraphs 97 to 101 of the Coroner's Findings, the Coroner made the following formal recommendations in regards to the death of the Deceased:

- '97. I **recommend** that the Commissioner of Police make it mandatory that deaths arising from or connected to a police pursuit are investigated in the same way as a death in custody is investigated.
98. I **recommend** that the Commissioner of Police amend the definitions of pursuit and emergency vehicle driving to remove ambiguity and overlap.

99. I **recommend** that the Commissioner of Police give consideration to the circumstances in which it is appropriate to allocate an incident controller (or a person exercising similar oversight) to assist police members carrying out traffic duties, including, for example, when TDD [Tyre Deflation Device] is requested, when police are engaging with a hostile vehicle, or when there is a need for a co-ordinated resolution strategy; and to make any amendment to the General Orders as is necessary to implement any additional oversight.
100. I **recommend** that the Commissioner of Police ensure police members are aware of their obligations to notify JESCC [Police Communications] before conducting a TRAP [Traffic Apprehension] and of their obligations to activate their BWV [Body Worn Video] when conducting a TRAP or pursuit.
101. I **recommend** that the Commissioner of Police continue to explore ways of improving the video capability of police vehicles, including the feasibility of automatic activation.'

### **Responses to coroner's recommendations**

A written response was received from the Commissioner of Police, dated 14 February 2024 (Attachment B refers), as required by section 46B(1) of the Act, advising that:

(a) Recommendation 97

The NTPF has developed a new General Order Road Policing (new General Order) to replace the current General Order Emergency Vehicle Driving (EVD) and Pursuit Driving, to come into force in early 2024. Under the new General Order, any fatal crash that has occurred arising from or connected to a police pursuit must be investigated in the same manner as a death in custody.

The NTPF will also review the General Order Crime (Homicide and Serious) Investigation in 2024 to reflect this change in the investigation of fatal crashes arising from or connected to police pursuits. The NTPF notes that a death in custody is managed by an officer of or above the rank of Superintendent, who is appointed by the Deputy Commissioner.

(b) Recommendation 98

The NTPF has redefined the term 'police pursuit' in the new General Order to remove any overlap or ambiguity between this term and the definition of 'emergency vehicle driving'. The NTPF notes that under the new General Order, a police pursuit is where a police officer, in a police vehicle, directs the driver of a motor vehicle to stop and the motor vehicle fails to stop and a police motor vehicle continues to follow. The NTPF considers that this definition is simpler and removes ambiguity for police officers, in the relevant circumstances, attempting to determine whether they are engaged in a police pursuit or emergency vehicle driving.

(c) Recommendation 99

The NTPF has inserted a new definition in the new General Order of 'Incident Controller' which is a police member appointed, usually by the Watch Commander, to take overall control of the response to an incident that has escalated beyond a single pursuit and beyond the span of control of a pursuit controller. The new General Order clearly sets out the roles of police members, police communications, the Watch Commander, the Pursuit Controller and Incident Controller in police pursuits. The NTPF expects this change will reduce confusion, for example, where approval is sought by members to deploy a TDD, as was discussed in the Coroner's findings.

(d) Recommendation 100

The NTPF notes that the new General Order lists a range of instances where police members are required to activate their BWV. Under the TRAP section, the new General Order specifies police should activate BWV at the time the decision is made to undertake a TRAP to ensure all relevant information and actions are captured.

The NTPF further notes the new General Order requires police officers to make contact with police communications on the dispatch channel at the commencement of a pursuit. Doing so is now mandatory in all instances where police members are within radio contact of communications and a police pursuit is commencing.

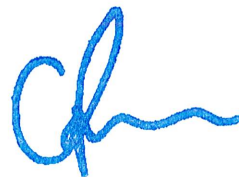
The NTPF has included the obligation to activate BWV in the new General Order to ensure police members are aware of the requirement to do so in such instances. The requirement is further incorporated throughout the new General Order under the description of the roles of drivers, observers, secondary vehicle drivers and secondary observers in police pursuits.

(e) Recommendation 101

The NTPF has advised a trial is already underway with technological solution provider Axon Fleet across the Northern Territory whereby camera devices incorporating audio and video recording are installed on police vehicles. The NTPF notes this trial brings the NTPF one step closer to implementing this recommendation by the Coroner.

I am satisfied that the Commissioner of Police has considered the recommendations of the Territory Coroner and that he is taking necessary steps to implement the recommendations.

DATE:



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CHANSEY PAECH

17 / 04 / 2024