

Melbourne police chased car at high speed because it looked ‘dodgy’, death in custody inquest told

Raymond Noel Lindsay Thomas, an Aboriginal man, was killed in a crash just a minute after officers spotted his vehicle



A banner showing Raymond Noel Lindsay Thomas's face at a Melbourne Invasion Day protest. A police highway patrol driver has told an inquest about the moments leading up to Raymond Noel's death in a car crash.

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An inquest into a death in custody has heard that police drove at more than 130km/h on a residential Melbourne street to follow a car driven by an Aboriginal man because they thought his car looked “dodgy”.

Raymond Noel Lindsay Thomas was killed in a crash on Victoria Street in Thornbury on 25 June 2017 after he crossed to the wrong side of the road and accelerated heavily to get away from police.

The crash occurred just a minute after his car was spotted by police, and 21 seconds after police formally called in a pursuit.

An inquest into the death is being held in Melbourne over the next two weeks.

The 30-year-old Gunnai, Gunditjamara and Wiradjuri man, whose parents asked that he be referred to as Raymond Noel, was on a late-night run to buy chocolate

from a supermarket when his black Holden commodore was spotted by two police officers conducting random traffic patrols around Melbourne's northern suburbs.

Sergeant John Sybenga, who was driving the highway patrol car, told the inquest that he had seen a Commodore with New South Wales licence plates turning on to Dundas Street from a side street after 11pm at night, and that made it suspicious.

He did a U-turn to follow it before his partner, Senior Constable Deborah McFarlane, who had run the plates in the patrol car's onboard computer, told him the car was unregistered.

"The car to me was worthy of a closer look because it was suspicious," Sybenga told the inquest on Monday. "In my experience, a car travelling in back side streets in about this area at night with interstate plates is worthy of a check. It's hard to sum up, it was just dodgy."

After the U-turn the police car followed the Commodore for about 800m along Dundas Street and right into Victoria Road.

Initially, Sybenga said, there was no evidence of wrongdoing beyond the car being unregistered, which is a minor traffic offence. He said the Commodore had "accelerated a bit" and appeared to be over the speed limit but "not by a great deal" in Dundas Street, before turning sharply right into Victoria Road.

"I had to accelerate to a speed over the speed limit of 50 to catch up," he said. "I had a feeling he may have spotted the marked car."

Data from the police car showed Sybenga went from 0 to 103km/h within 100 metres of doing the U-turn and reached speeds of up to 134km/h before turning into Victoria Street.

He told the inquest he had not turned his lights and sirens on and had not considered the chase a formal pursuit until after he turned into Victoria Street and saw debris on the road which he took to indicate the Commodore had hit a parked car.

McFarlane called the pursuit on the radio and Sybenga sped up to 156km/h before deciding to call off the pursuit after the Commodore veered off the side of the road and disappeared over a hill, the court heard.

McFarlane was holding the radio to call in the end of the pursuit when they crested the hill and saw the crash site, with Raymond Noel thrown from the car and clearly deceased. Instead of terminating the pursuit she said: "He's come to grief. He's come to grief."

At the time of the crash, the distance between Raymond Noel's car and the police car was 1.6 seconds.

Counsel assisting Michael Rivette said it would be for the coroner, John Olle, to determine exactly when the pursuit actually began. Olle will also determine the

appropriateness of pursuing the Commodore and whether the Victoria police pursuit policy had been followed.

Both Sybenga and McFarlane were trained and certified to conduct pursuits and Sybenga was also a trained pursuit supervisor with more than 10 years' experience in highway patrol. He told the court he was experienced and familiar with the pursuit policy.

Under the 2016 policy, police do not have to activate their lights and sirens or formally declare a pursuit for their actions to be considered a pursuit.

A 771-page report prepared for the court by Assistant Commissioner Elizabeth McKenzie said: "If a vehicle fails to stop when directed or takes deliberate overt action to avoid being stopped and police continue to follow then that is a pursuit."

McKenzie's report said a pursuit must be justified "based on a need to address a serious risk posed by the offender to the health or safety of anyone and the serious risk must exist".

The inquest runs until 2 July.