

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2008 004635

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: BRITT KATHRYN-MAY LAPTHORNE

Delivered On: 1 July 2015

Delivered At: Coroners Court of Victoria
65 Kavanagh Street, Southbank

Hearing Dates: 16 April 2015

Findings of: JUDGE IAN L GRAY, STATE CORONER

Police Coronial Support Unit: Sergeant D Dimsey, assisting the Coroner.

I, JUDGE IAN L GRAY, State Coroner, having investigated the death of BRITT KATHRYN-MAY LAPTHORNE

AND having held an inquest in relation to this death on 16 April 2015

at Melbourne

find that the identity of the deceased was BRITT KATHRYN-MAY LAPTHORNE

born on 13 July 1987

and the death occurred between 18 September and 6 October 2008

in Dubrovnik, Croatia

from:

I (a) UNASCERTAINED

in the following circumstances:

SUMMARY

1. Britt Lapthorne was a 21-year-old female university student who normally resided with her parents, Mr Dale and Ms Elke Lapthorne, in Eden Park, Victoria. During July 2008, Britt left Australia to travel to Europe. She first visited Germany, where she met her brother, Darren Lapthorne, and then flew to France where she met with her parents, before returning to Germany with them.
2. In August 2008, Britt left Germany alone and travelled to Poland where she befriended another Australian traveller, Ms Tara Reynolds. Britt and Tara travelled to the Czechoslovakian Republic, Hungary and Slovenia together before Tara returned to England. Britt then travelled alone to Croatia where she was staying at the Backpackers' Club Hostel in the Dubrovnik suburb of Babin Kuk. On 15 September 2008, Britt made a telephone call to her parents and on 16 September, she stated on Facebook that she was in Dubrovnik. This was the last contact that Britt had with her parents.
3. On the evening of 17 September 2008, Britt went to Club Fuego in Dubrovnik with several fellow travellers from the hostel by bus, a distance of approximately 3.8 kilometres. Britt spent the evening at the club and was last seen alive at the club at around 3.30am on 18

September 2008, dancing with a British male. Sometime afterwards, Britt appears to have entered into the waters of Boninovo Bay, within walking distance of Club Fuego.

4. On 24 September 2008, the Australian Department of Foreign Affairs and Trade contacted Britt's parents to advise that Britt's bag containing personal items had been recovered from the hostel. On this date, a missing person report was taken by Victoria Police and faxed to the Australian Federal Police (AFP).
5. On 6 October 2008, a badly injured body was located by a local fisherman in Boninovo Bay near Dubrovnik, in the water off a walkway between Club Fuego and Britt's hostel. Due to the injuries to the body, Croatian police were unable to confirm identity. The Croatian Department of Expert Biological and Contact Analysis performed DNA analysis and comparison with samples provided by Mr Dale Laphorne, which identified the remains as belonging to Britt Laphorne.
6. The coastal waters in which Britt's body was located is a bay area fringed with precipitous and hazardous cliffs, with the only access to the water being concrete platforms with metal railings to allow swimmers to exit the water. Expert advice was sought from the Croatian Department of Meteorology and Hydrographical Institute of the Republic of Croatia to determine the weather and sea conditions for 18 September 2008, and to establish the location at which Britt entered the water. The evidence available was insufficient to determine a location, and the Department considered it unlikely that Britt intentionally entered the sea. The water depths of Boninovo Bay vary significantly, with depths of up to 100 metres in places. The sea floor reflects the coastline of steep rock pinnacles, deep crevices, large overhangs and underwater caves. Local fisherman report that submerged items in the bay are likely to become lodged in underwater crevices and remain so until substantial changes in environment conditions, such as wind or current. The bay also hosts various marine creatures.
7. A post mortem examination conducted by Dr Igor Boric of the pathology department, Pathology Services of Dubrovnik General Hospital was unable to determine a cause of death due to the advanced decomposition and lack of tissue. Britt's remains were repatriated to Australia where a further post mortem examination was conducted by Associate Professor David Ranson of Victorian Institute of Forensic Medicine (VIFM). Following his own examination of the body and consultation with Dr Boric, A/Prof Ranson was also unable to ascertain the cause of Britt's death. The significance of the post mortem examination

findings, particularly the absence of evidence of trauma to the skull and her upper limbs, suggested that Britt might have entered the water at about sea level.

8. Further examination and DNA analysis of Britt's remains was performed by Professor Christopher Briggs, forensic anthropologist, Dr Richard Bassed, forensic odontologist and Dr Dadna Hartman, molecular biologist, all of the VIFM. All examinations confirmed the remains as being those of Britt Laphorne.
9. In Dubrovnik, further searches of the underwater area and surrounding terrain were undertaken, aimed at locating clothing, shoes and other personal items, including a camera that Britt had in her possession during the night; however they did not yield any results. Police members of the Dubrovnik-Neretva Police Administration in coordination with the Head of the Police Office conducted an extensive criminal investigation to establish the circumstance of Britt's death and, until 2010, had sought international cooperation, engaging neighbouring countries and through bilateral relationship with the AFP.
10. Croatian police collected over 500 statements and informal interviews with employees and owners of Club Fuego, hostel guests who were at the club on the night, city cleanings, taxi drivers, public bus drivers and security guards on duty at the club. The investigation included polygraph examination, the execution of search warrants, telecommunication enquiries and full mobile phone repeater dumps and cell sites covering the Dubrovnik area for the period of 17 to 18 September 2008.
11. Interviews were also conducted with fellow backpackers who accompanied Britt to Club Fuego by local bus. They have given varying accounts that Britt had consumed an unknown quantity of alcohol prior to arriving at the club and was intoxicated. Once inside the club, Britt continued to consume alcohol and became heavily intoxicated. At around 2.00am on 18 September 2008, she was asked to leave the club for dropping a glass on the dance floor. At about 2.10am, Britt returned to the club and spoke to a male from the hostel. The same person later told Britt at around 2.45am that he was returning to the hostel. He then left the club with another male.
12. At about 2.00am, a fellow traveller noticed that Britt was having difficulty speaking due to her level of intoxication. At around the same time, Britt asked where the Croatians were, but this witness did not know what Britt meant by her question. At around 3.00am, Britt was seen near the dance floor talking to three males. She was last seen alive at Club Fuego at

about 3.30am on 18 September 2008 by another hotel guest, when she approached him and said something he could not understand because she appeared 'very drunk'.

13. Croatian police examined allegations made by two Australian women of attacks by three males. A story was aired on an Australian television program focusing on whether the incidents were linked to each other and/or to Britt's disappearance and death. Despite a complete re-examination of all the available witness statements, police records and media reports, there was no evidence or information found indicating the attacks on the two women were linked to each other or to Britt's death. No witnesses have provided any further information about seeing Britt leave Club Fuego. CCTV footage of the area was of poor quality and did not assist investigators to establish when she left the club and whether she was alone or with others.
14. Based on the available evidence, Croatian police determined the following facts:
 - Between 12 and 12.30am on 18 September 2008, Britt arrived at Club Fuego by bus with a group of backpackers from her hostel.
 - While there are some inconsistencies in the statements, it is apparent that Britt had consumed a quantity of alcohol prior to arriving.
 - At the club, Britt continued to consume alcohol and became heavily intoxicated.
 - Britt was last seen alive in the club between 3 and 3.30am.
 - The CCTV footage collected by Croatian police has not been altered or interfered with.
 - The allegations raised by the two Australian women were found not to be connected to Britt's death.
 - On 6 October 2008, Britt's remains were located in Boninovo Bay.
 - Britt's death was not due to suicide.
15. Croatian police exhausted all avenues available to the investigation, and continue to investigate any new information that is provided. To date, the circumstances surrounding Britt's death have not been established.

PURPOSE OF A CORONIAL INVESTIGATION

16. This finding is based on the totality of the material the product of the coronial investigation of Britt Laphorne's death, including the brief of evidence compiled by the Coroner's Assistant Sergeant David Dimsey and the results of the forensic medical and scientific investigation. All of this material, together with the inquest transcript, will remain on the coronial file. In writing this finding, I do not purport to summarise all the material and evidence, but will refer to it only in such detail as is warranted by its forensic significance and in the interests of narrative clarity.
17. It is important to stress that coroners are not empowered to determine the civil or criminal liability arising from the investigation of a reportable death, and are specifically prohibited from including in a finding or comment any statement that a person is, or may be guilty of an offence.¹ However, a coroner may include a statement relating to a notification to the Director of Public Prosecutions if the coroner believes an indictable may have been committed in connection with the death.²

FORENSIC MEDICAL AND SCIENTIFIC INVESTIGATION

18. In relation to Britt's death, most of the matters I am required to ascertain, if possible, were uncontentious. Her identity and the dates and place of death were not at issue. I find, as a matter of formality, that Britt Kathryn-May Laphorne, born on 13 July 1987, aged 21, died in Dubrovnik, Croatia, between 18 September and 6 October 2008. (I note that Britt's death certificate issued by the Croatian authorities states the date of death as 18 September 2008, that is the last date she was seen.)
19. The medical and scientific investigation in Victoria took place over a number of weeks and involved a wide range of tests and examinations. A/Prof Ranson stated in his report that '*the limited nature of the material available for examination, in addition to the condition of the body tissues was a significant impediment to many of the tests and examinations undertaken*'. A/Prof Ranson also stated that '*in some cases, repeated testing was required in order to be confident that the test results were accurate*'.³

¹ Section 69 *Coroners Act 2008* (Vic).

² Section 49(1) *Coroners Act 2008*.

³ Report of A/Prof David Ranson dated 31 December 2008, page 2.

20. The forensic medical and scientific investigation undertaken in Victoria included a review of Britt's prior medical history, review of the Croatian forensic pathology report and photography, telephone conference with the Croatian forensic pathologist, post mortem examination, photography and CT scanning, macroscopic and microscopic examination of remains, toxicology analysis, molecular biology examination (DNA) (both in Croatia and Australia), anthropology examination (skeletal anatomy), odontology examination (dental) and cranial analysis (skull examination).
21. Post mortem toxicological analysis of hair, bone marrow, cardiac muscle and skeletal muscle did not reveal the presence of ethanol (alcohol) or any other common drugs or poisons.
22. Britt's medical records included records of her height and weight in 2006, when she was aged 19 years. A/Prof Ranson noted that Britt's height as recorded by her general practitioner was within the estimated range of the height of the remains based on forensic anthropology analysis of the length of the right thigh bone or femur. In addition, examination of the left clavicle or collarbone revealed defects consistent with a previous fracture. Further enquiries confirmed that Britt had previously fractured her left collarbone.⁴
23. Prof Briggs examined Britt's skeletal remains and prepared a forensic anthropology report of his findings. He noted that the remains were of a Caucasian female adult, aged between 19 and 34 years and that stature was estimated as 157.25cm. Prof Briggs was unable to comment on time of death. He noted trauma including damage to the long bones, consistent with wave and tidal action on rocky and stony surfaces. Prof Briggs also noted the presence of damage to other parts of the skeletal structure, consistent with scavenging activity by marine life.⁵
24. A/Prof Ranson stated that his own autopsy examination confirmed, for the most part, the observations made by Dr Boric in his examination, although A/Prof Ranson made a number of other observations. A/Prof Ranson stated that Dr Boric's conclusions regarding the cause of death are not inappropriate given his findings and the nature and extent of the investigation that had been undertaken at that stage. Dr Boric confirmed with A/Prof Ranson that his examination did not reveal the presence of ante-mortem head trauma.

⁴ Report of A/Prof David Ranson dated 31 December 2008, page 4.

⁵ Report of Prof Christopher Briggs dated 31 December 2008, page 4.

25. Dr Boric also informed A/Prof Ranson of the environmental conditions in which Britt's remains were found. He stated that the water temperature at that time of the year would have been 22°C with strong winds, and that the area was characterised by strong currents, with deep sea shelving steeply to the shore. The area was rocky with steep cliffs.⁶
26. A/Prof Ranson noted that the small bones and cartilages comprising the larynx were found to be uninjured, and stated that that these bones may be injured when there is direct compressive force on the neck.⁷ Although the state of the remains made identification of possible surface injuries to the body almost impossible, A/Prof David Ranson stated that no bruises, abrasions, lacerations or incisions were seen in the small portions of skin identified.⁸
27. A/Prof Ranson concluded that the cause of Britt's death cannot be unequivocally ascertained on a medical/pathology basis, and stated that he had no reason to disagree with Dr Boric's conclusion that the cause of Britt's death is unknown. However, A/Prof Ranson stated that *'while Dr Boric gives his conclusion as to why the cause of death cannot be determined as being the presence of significant post-mortem decay or decomposition I believe that this is only part of the problem.'*⁹
28. A/Prof Ranson stated that, in his opinion, expressing an unequivocal medical cause of death is *'problematic if not impossible and the most significant impediment to doing so is the absence of critical structures from amongst the human remains recovered.'*¹⁰
29. Regarding the injuries to Britt's remains that were observed and the findings of Prof Briggs, A/Prof Ranson stated that the damage to the surface of the bones is very likely to be post mortem in nature and to have occurred as a result of abrasion of the surface of the bones by objects in the water.¹¹ A/Prof Ranson noted the presence of rib fractures and concluded that they were *'perhaps the most difficult to explain'*.¹² He noted that there are no features to indicate that they occurred during life, and some features to suggest that they occurred post mortem. A/Prof Ranson explained that in life, rib fractures are relatively uncommon in

⁶ Report of A/Prof David Ranson dated 31 December 2008, page 7.

⁷ Ibid page 9.

⁸ Ibid.

⁹ Ibid page 16.

¹⁰ Ibid.

¹¹ Ibid page 17.

¹² Ibid.

young people as a result of minor trauma and that, in a scenario of severe force applied to the chest region, additional trauma to the nearby skeleton and muscle tissue would be expected. A/Prof Ranson noted that some muscle tissue was present in these areas but that it did not show signs of haemorrhage.¹³

30. As regards time of death, A/Prof Ranson stated that '*[t]he degree of decomposition is a very imprecise indicator of the post mortem interval and difficulties with such estimates are further compounded when a body is immersed in water after death and subject to post-mortem trauma.*'¹⁴ A/Prof Ranson concluded that, '*given the absence much of the soft tissues...and the loss of some of the skeletal tissues, the lack of available positive or negative information results in there being a very large range of possible circumstantial scenarios that could account for the death.*'¹⁵

INQUEST

31. As the Court is reliant on the information provided by the AFP and Croatian authorities and is not able to investigate Britt's death in the usual way, I formed the view that it would be appropriate to finalise the coronial investigation by way of a summary inquest. The Coroner's Assistant read a summary of the circumstances to the Court, and no witnesses were called to give evidence. Britt's family were made aware of this, were invited to make submissions in Court (and did so) and were informed that there is provision under section 77 of the *Coroners Act 2008* (Vic) for the investigation to be reopened in the event that new facts and circumstances become available in the future, and if it is appropriate to do so.
32. Mr Dale Laphorne addressed the Court on behalf of the family. Mr Laphorne explained the significant impact of both the loss of Britt and of the circumstances surrounding her death remaining unknown. Mr Laphorne stated that the finding of the Croatian authorities that Britt's death was not due to suicide was '*a huge achievement*'¹⁶ for the family.
33. Mr Laphorne explained that some years prior, he undertook the task of retracing Britt's travels by taking her backpack and travelling the same route. He explained the process of meeting other young travellers along his journey, and stated that one of the legacies following Britt's death was that many other young travellers and their parents had heard of

¹³ Report of A/Prof David Ranson dated 31 December 2008, page 18.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Inquest transcript page 15.

her death and were more mindful of exercising caution when travelling alone.¹⁷ Mr Lapthorne also stated that the other legacy following Britt's death was improvements in the way that Croatian police dealt with investigations of missing persons. Mr Lapthorne concluded by expressing his heartfelt thanks to the various agencies and organisations that assisted in the investigation of Britt's death.¹⁸

34. Mr Lapthorne's submission on behalf of the family was a moving one. It powerfully demonstrated the effects of Britt's disappearance and death on her close-knit and loving family. I echo Mr Lapthorne's comments regarding the need for young travellers to remain vigilant at all times, particularly when in a foreign place and when using alcohol.

CONCLUSION

35. The standard of proof for coronial findings of fact is the civil standard of proof, on the balance of probabilities (with the *Briginshaw* gloss or explication). The effect of the authorities is that coroners should not make adverse findings against or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.
36. I accept A/Prof Ranson's conclusion that, given the state of the remains, the lack of available positive or negative information results in there being a very large range of possible circumstantial scenarios that could account for Britt's death. The circumstances surrounding her death are, and remain, a mystery. However, based on the evidence, there is no reason or basis to conclude that Britt at any time acted with the intention of ending her own life. I therefore conclude that her death was due to either accident or foul play.
37. Although I am satisfied as to the identity and death of Britt Lapthorne, the evidence does not support a finding as to when or how her death occurred. I therefore formally find that cause, or causes, of Britt Lapthorne's death remain unascertained.

¹⁷ Inquest transcript page 16.

¹⁸ Ibid pages 16-7.

I convey my sincerest condolences to Britt Laphorne's family and friends on their loss.


I direct that a copy of this finding be provided to the following:

Mr Dale and Ms Elke Laphorne, Senior Next of Kin

Mr Adam Reeve, Australian Federal Police

Sgt David Dimsey, Police Coronial Support Unit.

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date:

