



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Hugo Peter Diaz Knox
Hearing dates:	4-7 August 2025
Date of findings:	20 August 2026
Place of findings:	Coroners Court of New South Wales, Lidcombe
Findings of:	Judge Joan Baptie, Deputy State Coroner
Catchwords:	CORONIAL LAW – death in police custody – legality of traffic stop – face to face observation of person being transported in police custody – installation of CCTV and air-conditioning in police vehicle caged pods - insufflation or ingestion of cocaine – referral to NSW Police Professional Standards Command
File number:	2022/00294720
Representation:	Counsel assisting the Coroner: Mr Matthew McAuliffe, instructed by Ms Rachel Karrou and Mr Gareth Martin of the NSW Crown Solicitor's Office Commissioner of Police, NSW Police Force and Senior Constable Cameron Smith and Senior Constable Hannah

	Bloomfield: Mr T Lowe instructed by Ms A Wooldridge of the Office of the General Counsel, NSW Police Force Senior Constable Adam Dunford and Senior Constable Amanda Bittman: Mr J Kellaway and Mr D Wilcox, instructed by Mr D Longhurst of Longhurst and Associates
Non-publication orders:	Non-publication orders were made on 4 and 5 August 2025 pursuant to s 74 of the <i>Coroners Act 2009</i> in relation to certain evidence tendered and given in the proceedings. Copies of the orders made are available upon request from the Court Registry.
Findings:	Identity The person who died was Hugo Peter Diaz Knox Date of death Hugo died on 30 September 2022 Place of death Hugo died at Cootamundra Hospital, Cootamundra, NSW Cause of death The cause of Hugo's death was Cardiorespiratory arrest due to acute Cocaine Toxicity Manner of death Hugo died from the ingestion of a large quantity of cocaine while in the lawful custody of the NSW Police Force
Recommendations:	To the Commissioner of Police, NSW Police Force 1. The Commissioner of Police consider the referral of this matter to the New South Wales Police Professional Standards Command for the investigation and review of the conduct of Senior Constable Cameron Smith 2. The Commissioner of Police give consideration to – reviewing section 10.25 of the Person Search Procedure V3 with a view to clearly stating that medical attention should be immediately sought where police suspect a

	person has ingested, consumed or administered, by any means, drugs or a harmful substance. 3. The Commissioner of Police give consideration to reviewing the Charge Room and Custody Management Standard Operating Procedures with a view to include a procedure that medical attention should be immediately sought where police suspect a person has ingested or consumed, by any means, drugs or a harmful substance while in police custody.
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The Coroners Act 2009 (NSW) pursuant to section 81(1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death. These are the findings of an inquest into the death of Hugo Diaz Knox.

Introduction

- 1 This inquest concerns the death of Mr Hugo Diaz Knox. At the request of his family, Mr Diaz Knox will be referred to as Hugo in these findings.
- 2 Hugo was born on 18 February 1997. He died at Cootamundra Hospital in Cootamundra, on 30 September 2022, at the age of 25 years.
- 3 At the time of his death, Hugo was in lawful police custody, having been arrested by police earlier that evening outside the township of Stockinbingal after returning a positive result to a random drug test.
- 4 Hugo died from the ingestion of cocaine whilst in custody.
- 5 The identity, place and date of Hugo's death are not in dispute. Similarly, Hugo's cause of death is not in dispute. This inquest has focused on the manner of Hugo's death, particularly the circumstances of his death as a result of his actions, and those of the police officers, and whether his death could have been avoided.
- 6 Hugo has been described by his family as "our little ray of sunshine that bound our blended family together, and we all grew a special bond and love for Hugo".
- 7 Members of his family have advocated on his behalf during these proceedings and have been unwavering in their determination to ascertain the reason for his death. Various family members have participated and contributed during these proceedings, and I acknowledge the profound loss and anguish felt and experienced by them.
- 8 I would like to express my sincere condolences to Hugo's family for the loss of their son, brother, father, uncle and friend. I hope that Hugo's memory has been honoured by the careful examination of the circumstances surrounding his death and the lessons that have been learned from the circumstances of his passing.

The role of the Coroner and the scope of the inquest

- 9 A coroner is required to investigate all reportable deaths and to make findings as to the person's identity; as well as when and how the person died. A coroner is also required to identify the manner and cause of the person's death. In addition,

a coroner may make recommendations, based on the evidence presented during the inquest, which may improve public health and safety.

- 10 This inquest into Hugo's death is mandatory as his death occurred whilst he was lawfully in police custody. Section 23(1)(a) of the *Coroners Act 2009* (the **Act**) invokes the Court's jurisdiction and section 27(1)(b) of the Act imposes an obligation to hold a mandatory inquest where the death occurred pursuant to section 23.
- 11 During these proceedings, a 6-volume brief of evidence containing statements, body worn video, photographs and other documentation, was tendered in court and admitted into evidence. In addition, oral evidence was received from numerous witnesses, including one expert witness, Professor Alison Jones. The witnesses that gave evidence during these proceedings were:
 - Detective Sergeant Julia Bradley (**Detective Sergeant Bradley**),
 - Senior Constable (now Sergeant) Hannah Bloomfield (**Sergeant Bloomfield**),
 - Senior Constable Cameron Smith (**Senior Constable Smith**),
 - Professor Alison Jones (**Professor Jones**),
 - Constable (now Senior Constable) Amanda Bittman (**Senior Constable Bittman**), and
 - Constable (now Senior Constable) Adam Dunford (**Senior Constable Dunford**).
- 12 All the material placed before the Court has been thoroughly reviewed and considered. I have been greatly assisted by the written submissions prepared by counsel assisting, Mr Matthew McAuliffe, Mr Timothy Lowe on behalf of the Commissioner of Police, Senior Constable Smith and Sergeant Bloomfield, and Mr Dominic Wilcox on behalf of Senior Constable Bittman and Senior Constable Dunford. At times, I have embraced their descriptions in these findings.

A brief overview of Hugo's life

- 13 Hugo was born in Griffith on 18 February 1997 to his parents, Virginia Diaz (nee Knox) and Hugo Diaz. Hugo has an older sister, Katie and two older brothers, Jose and Adonis. As a child, Hugo was affectionately called Peepo by his family.
- 14 Hugo's Chilean heritage was celebrated within his tight-knit family, which included his grandparents, with whom he had an especially strong bond.

- 15 He attended St Patrick's Primary School and Wade High School in Griffith where he was a popular student with a large circle of friends.
- 16 His grandfather Peter encouraged him to play sport. Hugo became a keen sportsman with a particular interest in tennis, golf, swimming, soccer and Aussie Rules football. Hugo played with the Griffith Swans from his childhood Auskick days until his late teens. He learned to surf on a family holiday to Hawaii and became a keen surfer.
- 17 Hugo was brought up in a family with strong ethical and religious commitments. His parents maintained a strong opposition to drug use within the family home.
- 18 Hugo working on a casual basis at 'Target' whilst at school and successfully completed his Higher School Certificate.
- 19 He commenced a painting apprenticeship and worked as a painter in Griffith and in Sydney.
- 20 He commenced a relationship with Vanessa when he was fourteen years of age, and they remained in a committed relationship until he was 22 years old. During this time, Hugo appeared very settled and content. Vanessa moved to Sydney to attend university and Hugo accompanied her. After the relationship ended, Hugo returned to Griffith and began residing with his parents.
- 21 It has been reported that Hugo was very affected by the estrangement from Vanessa, and on his return to Griffith he appeared to begin associating with the 'wrong crowd'.
- 22 Hugo later met a woman (hereafter referred to as "AA") and a relationship developed in 2020. The relationship was described as being 'volatile' at times. In May 2021, twin daughters were born to "AA" and Hugo.
- 23 Hugo was described as falling "instantly in love with them (the twins), completely and wholly."
- 24 Between May 2020 and 2022, Hugo came to the attention of the police on four occasions.
- 25 In May 2020, Hugo was subjected to a roadside drug test. He returned a positive test result for an illicit substance and was issued with a penalty notice.
- 26 In June 2020, Hugo was stopped by police due to the manner of his driving, which was described as 'evasive'. Police searched his car and located ten MDMA capsules under the driver's seat. Hugo denied that the MDMA belonged to him. He was charged with drug supply and possession of an illicit substance. The supply charge was withdrawn when he entered a plea of guilty to the possession charge and he was fined \$1000.

- 27 On 1 April 2022, a police intelligence report recorded a connection between Hugo's car and a residential address which was associated with the supply of methylamphetamine.
- 28 On 12 April 2022, Hugo was charged with an assault charge and a charge of damaging property, with "AA" recorded as the complainant. An Apprehended Domestic Violence Order (**ADVO**) was made at that time which named "AA" and the children as the persons in need of protection.
- 29 The case was listed for hearing on 16 September 2022; however, the criminal charges were withdrawn due to "AA" withdrawing her complaint. A final ADVO was made at that time.
- 30 In the months prior to his death, Hugo's family became concerned that Hugo was using illicit substances and may have been involved in the supply of drugs. His family observed his change in mood and demeanour. On one occasion, they found a large sum of cash in a garden shed on their property. Hugo denied using illicit substances and claimed that he was holding the cash as a favour for a friend.

Hugo's travel itinerary on 29 - 30 September 2022

- 31 After Hugo's death, investigating police accessed financial records, toll records, mobile phone records, cell tower locations and mobile internet records for the period 29 – 30 September 2022.
- 32 An analysis of those records confirmed that Hugo left the Griffith area at about 7am on 29 September 2022 and travelled through Goulburn to Sydney, and then to Byron Bay and Evans Head.
- 33 The records indicate that Hugo stopped in the Evans Head/Byron Bay area at about 3am on 30 September 2022, before leaving that area at 5am and returning towards Griffith.

Events on Friday 30 September 2022

- 34 At 6.15pm, Hugo was stopped by two police officers, Senior Constable Bittman and Senior Constable Dunford (both of whom at the time had the rank of Constable) on the main road just outside the township of Stockinbingal.

- 35 On 30 September 2022, the double demerit points system was in place for the Labour Day long weekend. NSW Police were also conducting a police operation called “Operation Labour Day” which tasked officers with focusing on increasing the number of random breath and drug tests as a road safety initiative.
- 36 Senior Constable Bittman and Senior Constable Dunford decided to direct Hugo to stop his vehicle, although there was some divergence of accounts in relation to whether Senior Constable Bittman had accessed any police intelligence warnings relating to the vehicle that Hugo was driving before or after the direction to stop was given. His vehicle was registered in his father’s name, but Hugo had sole use of the vehicle.
- 37 The vehicle stop and subsequent searches were recorded on police issued Body Worn Video cameras worn by both Senior Constable Bittman and Senior Constable Dunford.
- 38 Hugo was told that he had been stopped for the purpose of random drug and alcohol testing. Hugo told Senior Constable Bittman that he had “never used any sort of drugs in my life.”
- 39 An oral fluid test was conducted at 6.18pm, and Hugo was asked if there was anything in his vehicle which shouldn’t be there, such as drugs or knives. Hugo hesitated and denied that there was anything in the vehicle. He was asked a second time by Senior Constable Bittman and denied there were any such items in the car.
- 40 Senior Constable Bittman returned to the police vehicle, while Hugo remained in his car waiting for the test results.
- 41 About 7 minutes later, Senior Constable Bittman returned to Hugo’s vehicle and advised him that the test had returned a positive result for cocaine, and that he was under arrest for the purpose of a secondary test. Hugo was not cautioned at this time.
- 42 Hugo was then told by the police that they intended to search his vehicle and he was asked if he had anything to declare before being subjected to a search. Hugo said “No.”
- 43 As he was getting out of his car, Senior Constable Bittman told him to “get your hands out of your pockets Hugo, take your hand out.” Hugo was then asked if there was anything in his car and he said, “there is nothing.”
- 44 Hugo was then subjected to a search by Senior Constable Dunford.

- 45 Senior Constable Dunford located two mobile phones in Hugo's tracksuit pants. Senior Constable Dunford spoke to Hugo, saying, "it's strange to have two phones man" and "I just think it's strange you've got two phones".
- 46 Just prior to commencing to search in the area of Hugo's groin, Senior Constable Dunford stated, "A bit personal on this one so bear with me," to which Hugo responded, "Just don't touch my nut sack and we'll be happy." Senior Constable Dunford then said, "Well mate, unfortunately it might happen." Nothing of interest was located during this search of Hugo.
- 47 Hugo was then escorted to the rear of the police vehicle which was fitted with a custody pod.
- 48 Hugo was then placed in the pod, and the door was propped open. He was not handcuffed. Both officers then returned to Hugo's vehicle and commenced searching the car. Nothing of interest was located, with the exception of an empty small clear resealable bag.
- 49 The search of the car took ten minutes. Seven minutes into the search, Senior Constable Dunford returned to the police vehicle and opened the rear door of the pod and enquired of Hugo, "You all good buddy?" Hugo replied, "Yeah." Senior Constable Dunford secured the pod door and returned to continue searching Hugo's vehicle.
- 50 Hugo was transported to Cootamundra Police Station in the rear pod. He was not restrained in the rear pod. The journey took about 20 minutes.
- 51 The police vehicle arrived at the police station at 7.05pm. At the time Hugo was removed from the police vehicle pod, Senior Constable Bittman noticed what appeared to be a white crystal substance on the floor of the pod. Senior Constable Bittman took hold of Hugo's arm and indicated to Senior Constable Dunford that Hugo had "dropped ice in the back." Hugo became aggressive and shaped up to the police. Senior Constable Dunford produced his OC spray and warned Hugo that he would deploy the spray. Hugo became compliant and was handcuffed and led into the custody area of the police station.
- 52 Hugo was placed into Dock 1 and his handcuffs were removed at 7.09pm. Shortly afterwards, Hugo began to fidget with his tracksuit pants and was heard to make sniffing and snorting sounds. Hugo was then seen to have white powder on him and all over the dock floor.
- 53 Hugo was removed from Dock 1 and placed against the wall of Cell 2 where he was subjected to a strip search by Senior Constable Dunford and Senior Constable Smith. The strip search located white powder in Hugo's underwear,

which were then removed, together with his tracksuit pants. He was provided with a forensic suit and placed in Cell 1.

- 54 Hugo remained largely unsupervised until 7.29pm when Senior Constable Smith gave Hugo a cup of water. Senior Constable Smith observed what appeared to be blood coming from Hugo's nostrils.
- 55 At 7.32pm, Senior Constable Dunford made a call which was registered on the Police Computer Dispatch system, requesting the assistance of an ambulance.
- 56 At 7.31pm, CCTV footage from within Cell 1 showed Hugo appearing to be very unsteady on his feet before stumbling towards the bed. His body then appears to shake uncontrollably, before he falls onto the bed in the cell.
- 57 At 7.38pm, Hugo collapsed onto the floor of his cell. He appeared from CCTV footage to be breathing rapidly and heavily and was non-verbal. He subsequently became unresponsive prior to the attendance of the paramedics.
- 58 Paramedics arrived at the police station at 7.45pm and Hugo was fitted with an oxygen mask and administered naloxone and midazolam. He was taken to the ambulance at 7.55pm. Police provided an escort to the hospital, however, during the journey to the hospital, Hugo suffered a tonic-clonic seizure. Both paramedics provided treatment to Hugo and Senior Constable Bittman then drove the ambulance to Cootamundra Hospital, arriving at 8.01pm.
- 59 Shortly after his arrival at hospital, Hugo suffered two further tonic-clonic seizures and various attempts to treat and resuscitate Hugo were undertaken. At 8.49pm, Hugo suffered a cardiac arrest and was declared deceased at 9.39pm.

List of issues considered during the inquest

- 60 The following list of issues was prepared before the proceedings commenced and were considered and provided focus during the inquest, namely:
 - 1. Findings required pursuant to section 81 of the Act: the identity of the deceased; the time, date and place of death; the cause and manner of death.

As to manner of death:

 - 2. Whether the vehicle stop, and subsequent questioning and search of Hugo was lawful.
 - 3. The adequacy of New South Wales Police Force (**NSWPF**) officers' management of Hugo while he was in police custody (including decision

making in relation to person and strip searching, supervision, and hand-cuffing):

- a. at the roadside; and
 - b. during the drive to the Cootamundra Police Station; and
 - c. inside the Cootamundra Police Station.
4. Whether there was any breach of any relevant NSWPF policy or procedure by any officer in the course of management of Hugo while in police custody.
 5. The adequacy of NSWPF policies, procedures, and training in relation to the management of persons in police custody known and/or suspected to have taken illicit drugs.
 6. Is it necessary or desirable to make any recommendations in relation to any other matter connected with Hugo's death?

Cause of Hugo's death – expert evidence

Dr Donovan Loots

- 61 On 6 October 2022, Dr Donovan Loots, Forensic Pathologist, performed an autopsy on Hugo. Dr Loots prepared a post-mortem report dated 9 August 2023.
- 62 Dr Loots noted that Hugo
 - “allegedly suffered a witnessed cardiac arrest whilst in police custody following that ingestion and alleged snorting of a large quantity of white powder which had reportedly spilled from plastic bags concealed within his clothing.”
- 63 Dr Loots noted on the computerised tomography scan, a fracture to the right superior horn of the thyroid cartilage, which he opined was “likely due to resuscitation.”
- 64 Dr Loots noted the presence of:
 - “two thin transparent plastic bags noted within the stomach, which were likely swallowed by the deceased at the time of his arrest or whilst in the holding dock at the police station. Access to the CCTV footage was not available to confirm the time of ingestion. The bags likely contained large quantities of cocaine as was evident in the toxicology testing.”
- 65 Dr Loots noted:

“[t]oxicological analysis of samples taken at autopsy detected lethal levels of cocaine (35mg/L) and its metabolites, benzoylecgonine (10mg/L) and methylecgonine (>80mg/L). There were elevated levels of lignocaine (2.2mg/L). Lignocaine is a drug commonly used during resuscitation attempts but may also be used as a cutting agent with cocaine. Lignocaine was not documented in the NSW ambulance electronic medical records to have been administered during resuscitative efforts.”

66 Dr Loots was able to confirm that no alcohol was detected in the toxicological results.

67 Dr Loots commented that:

“[t]he clinical effects of cocaine on the body, as well as the potentially toxic levels of the drug are variable and influenced by how tolerant an individual is to the drug. Drug tolerance develops with chronic abuse and cannot be measured at autopsy alone. Isolated post-mortem concentrations can therefore not be used to determine the cause of death.”

68 Dr Loots opined that:

“[t]he circumstances of this case are however highly suggestive of an acute cocaine toxicity. The presence of the cocaine detected in the nasal and tracheal swabs and gastric contents, coupled with the presence of the two bags discovered in the stomach with associated haemorrhage and ischaemic mucosal gastritis (inflammation of the stomach lining), is in keeping with large volume ingestion of cocaine. This is further supported by clinical symptoms of tonic-clonic seizures followed by cardiac arrest and extremely high levels of cocaine and cocaine metabolites detected in the blood.”

69 Dr Loots cited research literature which

“reported that sudden cardiac standstill following acute cocaine use is usually only seen at very high blood concentrations (exceeding 20mg/L) when massive amounts of cocaine is sequestered into the gastrointestinal tract (typically seen in drug mules / smugglers). In this case, the blood concentration of cocaine was 35mg/L and is the most likely cause of death.”

70 Dr Loots stated that “the cause of death will be recommended to be recorded as cocaine toxicity.”

Professor Alison Jones

- 71 Professor Alison Jones is a physician, a toxicologist and researcher.
- 72 Professor Jones treats clinical patients with general medical conditions and toxicology conditions on a daily basis. She also provides forensic toxicology advice, including advice on toxicology interpretation of bloods and clinical features of deceased persons, and has done so for more than 25 years.
- 73 Professor Jones prepared an expert report for these proceedings dated 22 April 2024. Professor Jones also provided oral evidence during the inquest on 5 August 2025.
- 74 Professor Jones was aware that Hugo:
- “was reported to have “collapsed” shortly (approximately 20 minutes) after potentially ingesting or inhaling a white substance in his cell at approx. 7.10pm and having a likely nosebleed (which may be due to snorting drug). Shortly, after this the onset of a seizure was witnessed by police, followed by cardiac arrest in Cootamundra hospital.”
- 75 Professor Jones gave oral evidence that Hugo’s aggressive and non-compliant behaviour on arrival at the police station may have been due to cocaine intoxication, as well as a “lot of other conditions, including mental health conditions.”
- 76 Professor Jones noted in her report that Hugo
- “displayed many of the severe clinical features of severe cocaine toxicity, ie plucking clothes (likely psychotic), recurrent seizures, respiratory dysfunction and cardiac arrest.”
- In oral evidence, Professor Jones indicated that the “plucking” of his clothes was
- “much more pathognomonic. So much more typical of an actual intoxication; that plucking of the clothes. That suggests that some kind of drug’s been taken. It’s less common in pure mental health type conditions.”
- 77 Professor Jones gave evidence that there are three primary methods of ingestion of cocaine, being exposure “through the nose, through the vein and ingestion through the stomach.”
- 78 Professor Jones indicated that the approximate average fatal blood concentration for each method varied with,
- an intravenous ingestion being about 3 milligrams per litre (3mg/L),

- insufflation or snorting being about 4.4 milligrams per litre (4.4mg/L), and
- an oral ingestion being about 9.2 milligrams per litre (9.2mg/L).

79 In comparison, Hugo's blood concentration was 35 milligrams per litre (35mg/L). Professor Jones confirmed that with such a very high concentration in his blood, Hugo would not have survived despite medical intervention.

80 Professor Jones confirmed that she was unable to provide an opinion as to whether Hugo's blood concentration had peaked or not, as there was only a single blood concentration available for testing. Similarly, Professor Jones was unable to determine the volume or amount of cocaine that had been ingested by Hugo, except to confirm that "this was a massive amount of cocaine."

81 Professor Jones noted that there were swabs taken at the autopsy which returned positive readings on the nasal swab and the tracheal swab. Professor Jones indicated that the "presence of a positive cocaine swab in the nose is suggestive but not conclusive around snorting cocaine" if for example the person vomited, however there was no information suggesting that Hugo had vomited.

82 Professor Jones noted the positive stomach swab and the collection of two plastic bags from Hugo's stomach, where there were "associated haemorrhage and ischaemic mucosal gastritis" and opined,

"given that cocaine was found in the stomach and there were features of that acute gastritis, I think it is more likely than not that the cocaine in those bags was released into the stomach."

Professor Jones noted that

"the reasons why bags burst out the contents in the stomach is because the pH, the acidity of the stomach for pH is 2, so the bags go into a very acidic environment, which can digest the bag material."

83 Professor Jones also noted that

"I've no idea how well the cocaine was wrapped, whether it's a truly non-porous material, whether the wrapping sort of was easy to unwrap, like a gladwrap versus more of a bag, and the quality of that bag... However, with cocaine bags, they may not pass into the pylorus because of the size of the bag, so they may be retained for a much longer period of time, and may indeed not ever pass through the pylorus, depending on the size of the bag... Pellets can get through, but bigger bags can't."

84 Professor Jones was unable to determine whether the release of the cocaine from the two bags in Hugo's stomach was due to the perforation of the bags, their unravelling or the breakdown of the plastic by stomach acid.

85 Professor Jones was asked to provide her opinion as to the time or likely times of the ingestion of the cocaine by Hugo. Professor Jones expressed the opinion that

“looking at the video of the potential snorting and then looking at the time of Mr Knox's cardiorespiratory collapse and death, it's likely that the cocaine exposure happened just prior to those events.”

86 Professor Jones noted that:

“if I take cocaine now orally, it gets absorbed through the gastric mucosa into the blood stream. The peak effect can happen within 15-30 minutes and then it gets removed from the blood stream at the half-life of cocaine, which is usually over an amount of hours. Injection into the vein or snorting in the nose you usually get quicker onset of effect, but I put a caveat in this case because of the presence of packages in the stomach. There may have been a sudden release of a large quantity of cocaine in the stomach, which would affect the time course of concentrations of cocaine in blood.”

87 In her report, Professor Jones stated:

“There are two clear time intervals during which Mr Knox could have taken self-supplied cocaine:

- During his transport in the police van,
- When in the police cell

There are two possible routes of exposure Mr Knox had to cocaine;

- Nasal insufflation (sniffing) e.g. in the prison cell off the floor
- Ingestion

Because of multiple lengthy time intervals in which potential exposure to cocaine could have taken place on the night of Mr Knox's death, I cannot attribute one point in time to his exposure to a fatal overdose of cocaine, but the early “fidgety” features on arrival to the police station is suggestive of Mr Knox being exposed to at least some cocaine before arriving at the police station. However, his rapid deterioration within 20 minutes of potentially taking a line of cocaine on the floor of his cell by insufflation points to this as the most likely highest exposure point of Mr Knox to cocaine.”

88 It was suggested to Professor Jones that it was possible that the bags of cocaine had been ingested within two hours of the snorting or ingesting of cocaine in the cell; for example, prior to being placed into police custody. Professor Jones responded, stating:

“It’s possible. The reason I’ve gone for nearer one than two, just to help tease out the thinking for the Court, is because it’s such a very high concentration of cocaine, one of the highest ones I’ve seen professionally, once that lethal exposure occurs, at the kind of level, death occurs quite quickly. So that’s why I’ve opted for the roughly one hour, rather than the roughly two hours or roughly three hours, but I do – I do put a caveat around that timing. I can’t, given the multiple sources of exposure, I can’t be certain.”

89 Professor Jones was of the opinion that the failure to place Hugo in the recovery position at 7.35pm,

“means that the patient is more likely to develop hypoxia and hence cardiac rhythm disturbances and seizures after taking cocaine”.

In her oral evidence, Professor Jones stated,

“it’s really important to check the airway of the patient, check if they’re breathing, check if there’s a pulse in a central location, and the best first aid measure then is to make sure that that airway is clear and maintained clear by placing the patient into a recovery position, which is a lateral position that reduces the risk of aspiration and keeps the airway nice and open.”

90 Professor Jones was very clear, however, that in Hugo’s situation, given the:

“significant exposure to cocaine ... it’s likely in my view that Mr Knox would have died, whatever body positional measures had been instituted at the police station.”

91 At the time of Hugo’s death, the relevant police procedure referable to “Person searches” was contained in a document titled Person Search Manual V2 (**Manual V2**). Professor Jones was asked to consider paragraph 60 of Manual V2 (**Paragraph 60**), specifically “Where police suspect that a person has swallowed drugs or anything else that may be harmful to ingest, they should immediately arrange for the person to receive medical attention.” Professor Jones indicated that medical assistance should be provided in that type of situation. Professor Jones was then asked whether her opinion would vary in a situation where police suspected that a person in custody had ingested cocaine or drugs nasally, and she responded:

“No. They would actually need to be working with greater alacrity, because of the speed of onset of drugs up the nose having effects.”

92 Professor Jones reviewed the involvement of the NSW Ambulance paramedics and concluded that their intervention was “entirely appropriate.”

93 Professor Jones also reviewed Hugo’s care and treatment at the Cootamundra Hospital and concluded that the medical staff

“fulfilled all of the expectations around managing a patient with acute cocaine toxicity. So there is no fault at all – I think they’ve done an amazing job of fulfilling everything that they could within their facility.”

94 Professor Jones agreed with Dr Loots’ opinion expressed in his post-mortem report.

95 Professor Jones opined that Hugo’s cause of death was caused by a “cardiorespiratory arrest due to acute cocaine toxicity.”

Manner of Death

96 The evidence raised the following questions:

- a. Was the roadside stop conducted for a lawful purpose?
- b. Was the roadside search of Hugo adequate and should Hugo have been strip searched at that location?
- c. Did police contravene procedure by leaving Hugo unsupervised in the police vehicle?
- d. Was Hugo adequately observed during transport to the police station?
- e. When did Hugo consume a fatal dose of cocaine?
- f. Should Hugo have been strip searched before being placed into the dock at Cootamundra Police Station?
- g. Should medical attention have been sought earlier?
- h. Was the standard of care at the police station adequate?

97 Senior Constable Bittman participated in a formal electronically recorded interview with investigating police on 6 October 2022, having received notification that the officer in charge of the investigation had determined that she was an “involved officer” in a critical incident. Senior Constable Bittman also

gave oral evidence during the inquest on 6 August 2022. Copies of her Body Worn Video recordings were tendered in evidence, and portions were played in Court.

- 98 Senior Constable Dunford was determined to be an “involved officer” and participated in a directed interview with investigating police on 6 October 2022. His Body Worn Video recording was tendered in Court.

Was the roadside search conducted for a lawful purpose?

- 99 The two police officers had been rostered on duty together, commencing at 4pm on 30 September 2022. Senior Constable Dunford was the driver of a fully marked police vehicle, which was described as a Pajero vehicle fitted with a rear custody pod.
- 100 The officers were responding to a call for assistance from a driver somewhere near the township of Stockinbingal. They were unable to locate the vehicle and after undertaking a licensing inspection at the local bowling club, returned to traffic duties as part of “Operation Labour Day.”
- 101 As they were travelling towards Wallendbeen, Senior Constable Bittman said she saw Hugo’s vehicle travelling towards them. Senior Constable Bittman stated that she said to Senior Constable Dunford, “Oh, let’s pull over that one.” Senior Constable Bittman indicated that she was able to see the registration plate on Hugo’s car and they then performed a U-turn and followed Hugo’s vehicle.
- 102 Senior Constable Bittman confirmed that there was nothing regarding Hugo’s manner of driving that brought him to her attention and required him to be stopped. Senior Constable Bittman stated that it was her intention to subject the driver to a random blood test (**RBT**) and a random drug test (**RDT**) pursuant to the *Road Transport Act 2018* (the **RT Act**).
- 103 Senior Constable Bittman said that she then looked at the Mobile Data Terminal (**MDT**) in the police vehicle to undertake a registration check. She noticed that there were two “Warnings” associated with the vehicle that Hugo was driving. The first warning referred to illicit drugs being located under the driver’s seat of the motor vehicle, and the second indicated that the vehicle had been sighted at a known drug house.
- 104 In his interview with police, Senior Constable Dunford raised the possibility that the purpose of stopping Hugo was to investigate whether he was in possession of a prohibited substance.
- 105 Schedule 3 Part 2 Division 2 Clause 3 of the RT Act provides the legislative power for police to conduct RBTs, including the power to request or signal a driver to

pull over their vehicle for that purpose. The RT Act also empowers police officers to require a person to submit to an oral fluid test, commonly referred to as an RDT. Senior Constable Bittman confirmed that these were the powers that she was relying on at that time.

106 It is clear that police cannot hold a collateral purpose which may interfere with a person's right to freedom of movement, such as to investigate a suspected crime.

107 The Officer in Charge of the police investigation, Detective Sergeant Bradley, confirmed in her oral evidence that if the vehicle stop was purely based on intelligence alone, the stop could be deemed illegal.

108 Senior Constable Bittman was asked to explain the differences between the two accounts, and stated:

“Well, I was the one, obviously, looking it up, so I'd assume be a bit more accurate as to what that sequence of events are. And I'm not sure if you've been out to Stockinbingal before, there's generally a bit of a delay, reception, even on the MDTs, and that can be quite faulty. For us to have, I guess, conduct a U-turn, have time to read it and stop it still quite early inside Stockinbingal would have been difficult if that had not loaded... So it would have had to have load essentially straight away for me to see a warning and to then tell him, for us to be able to be there, which would be very unlikely in Stockinbingal.”

109 Senior Constable Bittman gave evidence that after she had subjected Hugo to the roadside testing, she returned to the police vehicle to wait for the test results and to make relevant drivers' licence enquiries. Senior Constable Bittman indicated that there were two central numbers index (**CNI**) references that were possibly related to Hugo. One CNI referred to a person with a hyphenated surname and the other did not. Senior Constable Bittman stated she was therefore not sure if driver had any connection with the vehicle and the associated “Warnings”.

110 Senior Constable Dunford provided a supplementary statement regarding the conflicting accounts, stating:

“To the best of my recollection, I believe that the sequence of events has not been accurately stated by me. I believe that Amanda asked me to turn on the vehicle while she was running the rego. I believe that I found a place to turn, and that Amanda then began relaying some information to me as referred to above. However my concentration was mainly on the road and finding a safe place to turn, so I cannot now be certain as to

whether it might have occurred as stated in my answer in the interview, or, as I recall now.”

- 111 The roadside stop was conducted during a declared traffic enforcement operation over a long weekend, in circumstances where the officers had been expressly tasked with increasing road patrols and associated RBT and RDTs.
- 112 Senior Constable Bittman provided a coherent and internally consistent account of her actions and those of Senior Constable Dunford at the time the decision was made to stop Hugo. Senior Constable Bittman provided a plausible reason for a delay in MDT reception and loading times in the rural area of Stockinbingal which calls the accuracy of Senior Constable Dunford’s account into question. In Senior Constable Dunford’s second account, he expresses uncertainty as to the accuracy of his recollection.
- 113 The evidence permits a conclusion that the roadside stop was conducted for a lawful purpose.

Was the roadside search of Hugo adequate and should Hugo have been strip searched?

- 114 Hugo pulled his vehicle to a stop and Senior Constable Bittman approached his vehicle and asked him to move forward to a safer location.
- 115 After taking the drug and alcohol tests, Senior Constable Bittman returned to the police vehicle and made further enquiries on the MDT. Senior Constable Bittman accessed Hugo’s criminal history which recorded charges of ‘Supply prohibited drug’ and ‘Possess prohibited drug’. The supply charge had been withdrawn, and Hugo had been convicted of the related possession charge, although Senior Constable Bittman indicated that she had not seen the outcome of the supply charge.
- 116 During this time, Hugo completed three internet searches on his mobile phone. The first search asked, “Will cocaine come up on sab if u just had a drink”. The second search asked, “is swab bad for cocaine” and the third asked, “Can a drink help swab test.” The two police were unaware at that time that those enquiries had been made by Hugo.
- 117 After the drug test returned a positive reading, Senior Constable Bittman returned to Hugo and advised him that he was under arrest for the purpose of a secondary test. She did not caution him at that time, as in her training

“traffic is something that’s black and white and I don’t intend on asking him questions in relation to his drug-driving offences until we get back at

the station. There are a number of documents that we fill out in that secondary test, where the caution is a part of that, and then we ask questions”

118 Hugo told Senior Constable Bittman that he had never “snorted” anything himself. Senior Constable Bittman advised him that she was aware that he had been arrested for supplying drugs previously. Hugo then admitted to drug use in the past. Senior Constable Bittman asked him why the test result would have returned a positive reading, and Hugo indicated that his mate had had some and that he (Hugo) was “just curious” and had smelt it in the bag, and that he had just sniffed it... but didn’t snort anything”.

119 Senior Constable Bittman then told Hugo that based on the information that Hugo had provided, she intended to conduct a search of his person and the vehicle. Senior Constable Bittman stated in evidence that she had formed a
“reasonable suspicion, once I was in the car, conducting checks, and determined that there were lies and holes, and after that conversation, reasonable belief that there were drugs inside that vehicle.”

120 Part 4 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (**LEPRA**) sets out the circumstances in which police may exercise search and seizure powers without a warrant. Division 3 of Part 4 empowers police to search a person who has been arrested for the purpose of being taken into custody where the officer suspects on reasonable grounds that it is prudent to check for items that would present a danger to the person or could facilitate an escape from lawful custody.

121 Section 30 sets out the methods a police officer may use when conducting a search of a person that is not a strip search. It includes permitting the officer to run their hands over the person’s outer clothing, the removal of a coat or similar garment, gloves, shoes, socks and a hat and examine items in the possession of the person.

122 Section 31 relates to the power to undertake a strip search. It states:

“A police officer may carry out a strip search of a person if

- a. in the case where the search is carried out at a police station or other place of detention – the police officer suspects on reasonable grounds that the strip search is necessary for the purposes of the search, or
- b. in the case where the search is carried out in any other place – the police officer suspects on reasonable grounds that the strip search is necessary for the purposes of the search and that the

seriousness and urgency of the circumstances make the strip search necessary.”

- 123 The threshold for a strip search to be conducted at a police station requires an officer to suspect that such a search is necessary. When a search is conducted at any other place, such as a roadside stop, the officer must suspect that the circumstances are sufficiently serious and urgent to make the search necessary.
- 124 Section 32 requires a police officer to preserve a person’s privacy and dignity during a search, as far as is reasonably practicable. Searches of genital areas are prohibited unless reasonably suspected to be necessary and searches must be conducted by an officer of the same sex, or an appropriately trained same-sex delegate if no such officer is immediately available.
- 125 Section 33 imposes additional requirements during strip searches. The search must occur in a private area and not in the presence or view of a person of the opposite gender. Strip searches cannot involve body cavity searched or physical examination by touch.
- 126 In addition to the LEPRA legislation, the Manual V2 provides guidance surrounding the implementation of the search powers contained in the legislation. The Manual V2 states that there are two types of searches, being a person search and a strip search.
- 127 Hugo was subjected to a person search by Senior Constable Dunford. This search was limited to his outer clothing and was captured on Body Worn Video.
- 128 Senior Constable Dunford commenced the search by asking Hugo if he had anything sharp in his pockets and Hugo indicated that he didn’t. Senior Constable Dunford located two mobile phones in Hugo’s pockets, which Senior Constable Dunford found unusual and may have suggested that one phone was “used for criminal activity potentially.”
- 129 Senior Constable Dunford proceeded to then search the inside of his pockets, hat, shoes and socks, sleeves of his jumper and the inside area of his legs leading to his groin.
- 130 During his interview, Senior Constable Dunford stated that he had used a general frisk search as well as the “pinch and crush method” of searching, which he explained is where
- “you pinch clothing, whatever you may be searching, between your index finger and your thumb, and then you crush the clothing to pull it tight on the body to look for any deformities that may indicate something is there.”

- 131 Senior Constable Dunford indicated that he had used the “bladed hand method” when he was searching Hugo’s groin area. He explained that this is where you
- “tuck your thumb in. The back of your hand is oriented towards the genitals of the individual to preserve a bit of dignity and to avoid issues such as groping and things like that to occur, as you’re not allowed to touch the genitals with your palm.”
- 132 Immediately prior to commencing the bladed hand method, Senior Constable Dunford advised Hugo that he was moving to his crotch area that “this may get a bit personal on this one so bear with me” to which Hugo responded, “Just don’t touch my nut sack and we’ll be happy.” Senior Constable Dunford indicated that Hugo’s comment did not particularly raise any suspicion that he had concealed something in that area, as he had “heard many a gentleman or male make a comment similar, if not worse, more derogatory in nature, due to having their genitals touched by another male.”
- 133 Senior Constable Bittman commented on Senior Constable Dunford’s person search as being “very thorough” and “without a doubt one of the most thorough general searches that I’ve seen conducted.
- 134 Detective Sergeant Bradley described the search as diligent and
- “a very thorough, somewhat textbook way of doing a person search ...that seemed to follow the training methods that we have been shown, and it seemed to be quite technical in nature rather than, you know, a sloppy pat down search, it seemed to be quite by the book.”
- 135 Although nothing of interest was located during the search, the evidence provides a basis to conclude that the roadside person search of Hugo was thoroughly conducted and was consistent with police training techniques. In addition, the search met the standard of an adequate general search.
- 136 The inquest also examined whether a strip search rather than a person search should have been undertaken at the roadside.
- 137 Senior Constable Bittman indicated that she had discussed with Senior Constable Dunford whether they would be justified in conducting a strip search as they were walking back to Hugo’s car.
- 138 The basis for a search is dependent on the state of mind of the police officer conducting the search. Senior Constable Dunford, as the officer who would have to conduct the strip search, had the following information available to him:

- a. Police warnings associated with Hugo's motor vehicle which stated that drugs had been found secreted under the driver's seat and that the vehicle had been seen in the vicinity of a known drug supply house.
- b. Hugo's criminal history.
- c. The fluid sample which returned a positive reading for cocaine.
- d. That the officers had discussed seeing Hugo "shuffling in his pockets with his hands" prior to getting out of his vehicle.
- e. Hugo's somewhat implausible explanation for the positive fluid test.
- f. Hugo's possession of two mobile phones.
- g. Hugo's "don't touch my nut sack" comment at the time Senior Constable Dunford was performing a bladed hand search of his groin area.
- h. The fact that nothing of interest had been located during either the personal search or the search of his car.

- 139 Senior Constable Bittman gave oral evidence that she did not believe that a strip search was justified. Senior Constable Bittman stated that her training taught her that an officer's state of mind needed to consider five general considerations, being,
- "there's nothing,"
 - there's "a possibility",
 - then "a reasonable suspicion,
 - followed by "a belief" and
 - finally "knowledge" or where an officer can "see it" or the person being made an admission.
- 140 Senior Constable Bittman continued, indicating that while a general search may be justified at the level of belief, a strip search required additional indicators such as a "history of secreting items", or being in possession of intelligence suggesting similar behaviour.
- 141 Senior Constable Dunford recalled Senior Constable Bittman saying to Hugo as he was being placed in the custody pod words to the effect, "Hugo, you were shifting around the front of your pants when you got out, did you chuck anything down your dacks?" Hugo said "no" while shaking his head. He was asked again and again denied that he had anything secreted in his pants.

142 Senior Constable Dunford continued to explain in his interview with police, that:

“I’m certainly not comfortable with strip searching him on the information we have. General search yes. Um, but certainly not a strip search at this point in time unless we found something different in the vehicle that may have led us in a different path but again ah, the intel that she had conveyed to me was the drugs were stashed in the car. Um, so again that went against the strip search on his person at that time.”

143 After placing Hugo in the pod, both officers returned to Hugo’s car and commenced searching the vehicle. Again, nothing of interest was located apart from a small resealable plastic bag.

144 Both officers conducted the roadside testing, and the thorough person search in accordance with legislative requirements and police policy. At various times, both officers had a reasonable suspicion regarding Hugo’s behaviour, however, there was no evidence to suggest that Hugo was in possession of a large quantity of drugs or that he had secreted drugs in his car or on his person.

145 The officers’ suspicions justified a person and vehicle search but not a strip search of Hugo.

Did Senior Constable Dunford and Senior Constable Bittman contravene procedure by leaving Hugo unsupervised in the police vehicle?

146 After the person search was completed, Hugo was escorted to the rear custody pod on the police vehicle. He was not handcuffed and the pod door was left ajar “to allow for air to get into the pod.” The two police officers then returned to Hugo’s car and commenced searching the vehicle. The search of the vehicle took approximately ten minutes.

147 Hugo was left unsupervised for the majority of that time. About seven minutes into the search, Senior Constable Dunford returned to the rear pod, opened the pod door and asked Hugo, “You all good buddy?” to which Hugo replied “Yeah.”

148 During the ten-minute search period, neither officer had Hugo in their sight. Senior Constable Bittman was asked if it was her usual practice to leave persons in custody unsupervised in the rear of a police vehicle, and she replied that

“every custody is a different case by case scenario. Theres’ no usual practices, I guess, in terms. You take on what you’ve given at – in that particular scenario, and so I couldn’t say it’s a usual practice, no.”

- 149 Senior Constable Bittman was aware that they were operating under a time constraint, given that the secondary test needed to be completed within a 2-hour period.
- 150 Senior Constable Dunford noted,
- “I was mindful that we had a limited time to return Hugo to the police station while also proceeding with a search of his vehicle, and, it was getting dark. It was going to be quicker for the two of us to search the vehicle, rather than wait for supporting officers to assist (if there were any). I also believe that I had conducted a thorough search of Hugo, and I did not consider him to be at risk to himself or anyone else.”
- 151 Chapter 19 of the Police Handbook refers to the procedures associated with escorting and transporting persons in custody. It states:
- “If transportation is delayed, maintain constant face to face observation unless exigent circumstances prohibit it.”
- 152 Senior Constable Bittman accepted that she was required to maintain face to face observations of Hugo during this period and that the procedure had not been adhered to regarding Hugo. Senior Constable Bittman indicated that she believed that:
- “we both have a duty of care. I’d say, as the arresting officer, I probably had more so of an involvement, so I could say that responsibility was probably more on myself.”
- 153 Detective Sergeant Bradley confirmed that face to face observation refers to an officer having eyes on the person in custody during the transportation phase.
- 154 The evidence permits a finding that Hugo was left unsupervised in the rear pod during a period of time where police procedures required the arresting police to have continuous face to face observations of him. Further, there was no operational need for him to be left alone. The lack of supervision contravened police operational policy and fell short of the expected standard of care.
- 155 The policy is designed to reduce the risk to a person in custody as well as imposing a deterrent effect that continuous observation provides.
- 156 Constant supervision also provides protection for both the person in custody and the police, in the event of a medical episode, including signs of drug intoxication.
- 157 Despite the police believing that they had conducted a thorough person search, there was always a possibility that he could have ingested a concealed substance. However, the evidence does not permit a conclusion that Hugo

ingested the cocaine while he was unsupervised, and it cannot be concluded that the lack of supervision at that time resulted in his fatal intoxication.

Observations during journey to the police station

158 At the completion of the search of Hugo's vehicle, Senior Constable Bittman said to Senior Constable Dunford, "we'll just watch him in the dock cause he was shifting his hands..." and Senior Constable Dunford responded:

"Yeah he was pulling stuff out though. I was watching his hands pretty intently. I watched his hands pretty closely I'd be surprised if he grabbed anything I didn't see him moving any. I didn't feel anything I couldn't feel anything in there. Not to say it's not right up under his bits."

159 Senior Constable Dunford clarified his comment in his supplementary statement, saying, "I believe I meant to say up within the cheeks of his backside. I felt Hugo's genitals on the back of my hand when I searched that area around his groin. Maybe his "bits" was a reference to between Hugo's penis and testicles, but I cannot be sure now whether I was referring to that, or, within the cheeks of his backside."

160 Hugo remained uncuffed during the trip to the police station. He remained polite and compliant. The police also noted that a detainee is required to sit in a rear facing position, and for safety reasons should not be cuffed to their rear.

161 There was no video or CCTV surveillance technology available in the rear pod of the police vehicle that night.

162 There was a window between the vehicle cabin and the rear pod, which allowed for limited vision of a person travelling in the rear pod. Senior Constable Bittman confirmed that she was looking at Hugo during the trip but could only really see the rear of his head.

163 Senior Constable Bittman gave evidence that the responsibility for observations of the detainee sits with the passenger as the driver needs to focus on road conditions, although the driver may have some vision through the rear vision mirror.

164 Senior Constable Bittman stated that she turned her whole body towards the rear pod during the entire trip which lasted for 19 minutes. She confirmed that "I wouldn't say that I was staring at the back of his head throughout the entire trip, but it was constant."

165 Senior Constable Bittman called out to Hugo at one stage, asking if he was "all good" and indicated that Hugo waved back. Senior Constable Bittman did not

see anything adverse during the trip and stated that she “couldn’t see anything that raised any concerns...that there was something wrong or something going on.....he didn’t gesture or say that he was in any trouble or anything.”

- 166 The evidence permitted a conclusion that the level of visibility into the rear pod was limited and did not permit an acceptable level of observation of Hugo by police.
- 167 The safe transportation of persons in custody necessitates the ability of a police officer to determine the health and the behaviour of the detainee. It is well documented that prisoners may experience mental and medical distress, attempts to self-harm or exhibit sudden medical episodes and deterioration.
- 168 These types of risks cannot be meaningfully managed if officers have only partial or physically limited visibility into the pod area. Appropriate observations lead to the protection of detainees but also protects police from criticisms that they have not fulfilled their duty of care to persons in their custody.
- 169 CCTV cameras would not have prevented Hugo from ingesting a fatal dose of cocaine in the rear pod, but it would have provided the officers an early and timely opportunity to respond and to have facilitated medical assistance.
- 170 At the conclusion of the evidence, a statement was prepared by Ms Sharon Clark, Director of Fleet Services, Infrastructure and Assets Command. Her statement provided details of a number of projects that have been implemented by the NSWPF to develop “Prisoner Transport Modules”. These modules are designed to transport detainees, and are fitted with air conditioning, video monitoring and audio communication capabilities.
- 171 In 2016, a project was approved to develop prisoner transport modules (pods) for vans and SUV vehicles. This project encountered difficulties when one of the vehicle models selected for development was superseded and the new model was unlikely to be available before the module became available. There was also no guarantee that the new model would be compatible with the module.
- 172 The project was then impacted by the COVID-19 supply chain and logistic delays for many months.
- 173 From September 2022, the Pajero prisoner transport module was deployed in 43 vehicles. Senior Constable Bittman confirmed in her evidence that they “introduced those maybe within a year after this incident...Into the Pajeros, into the same vehicle that I was riding in at the time – driving at the time.”
- 174 Ms Clark confirmed that by November 2022, problems were experienced with the cooling systems and after attempts to rectify the issues were unsuccessful, a decision was made to halt further deployment until it could be demonstrated

that any risk to prisoners was minimised. Inadequate cooling continued to plague the project, and it was eventually abandoned.

- 175 A separate project was approved for utility-based vehicles in July 2022. Due to the issues affecting the SUV module, development was postponed. Later in 2024, a revised strategy was adopted that favoured utility platforms for all prisoner transport as this approach allowed modules to be reused and deployed across different vehicle types. Ms Clark confirmed that adapting a module for use on various utility models is generally achievable and typically requires only minor modification.
- 176 By 19 December 2025, the NSWPF had acquired 200 new prisoner transport modules for utility vehicles. The modules can be retrofitted with air-conditioning, video monitoring and audio communication. A field trial of fully equipped vehicles was expected to be conducted by January 2026. Ms Clark indicated that should that trial prove to be successful, there is an expectation that work will begin to retrofit existing modules, with delivery of fully equipped modules beginning in mid-2026.
- 177 Ms Clark also advised that the NSWPF currently maintains a fleet of approximately 580 prisoner vehicles and “all vehicles will be upgraded to include air-conditioning, video monitoring, and audio communication. We anticipate that all vehicles will be upgraded by mid-2028.”
- 178 Although the project has been beset by significant delays, it is heartening that progress appears to have been made regarding the installation of video monitoring capabilities in prisoner transport modules.
- 179 This was a matter which significantly concerned the court during the inquest. Given the apparent progress, I have determined that a recommendation on this issue pursuant to section 82 of the Act is no longer required.

When did Hugo consume the fatal dose of cocaine?

- 180 The evidence established that Hugo was returning to the Griffith area after travelling the previous day to the Byron Bay/Evans Head area. Detective Sergeant Bradley expressed the view that Hugo was engaged in couriating cocaine for another person or persons on the day of his arrest.
- 181 The evidence suggested that the amount of cocaine in Hugo’s possession was a significant amount. It can also be inferred that the cocaine would have been worth a significant amount of money. Given the value of the cocaine being transported, and the likely serious ramifications from the drug supplier if the

consignment was not intact, it is very unlikely that Hugo would have ingested the fatal dose prior to being stopped by police.

- 182 According to police observations and Body Worn Video footage, at the time Hugo was stopped by police, he did not appear to be affected or intoxicated by any substance.
- 183 The evidence does not permit a conclusion as to when Hugo specifically ingested a large quantity of cocaine. It also does not permit a conclusion as to whether Hugo ingested the cocaine on one or more occasions.
- 184 The evidence does indicate that Hugo potentially had three opportunities to ingest some or all of the fatal dose. The three opportunities are:
- a. While he was waiting in his car for the results of the oral fluid sample.
 - b. In the rear of the caged pod while the officers were searching his vehicle.
 - c. In the rear of the caged pod while he was being taken to Cootamundra Police Station.
- 185 Although the evidence established that Hugo snorted or otherwise ingested cocaine in the dock area of the police station, it is less likely that this was the time he consumed the fatal dose.
- 186 In relation to the first of the three opportunities, Detective Sergeant Bradley noted that Hugo was being observed by the police officers while he was waiting for the results of the oral fluid test, and there was little opportunity for him to ingest anything.” This also appeared to coincide with the period of time that Hugo was making enquiries online directed at how he could manipulate his secondary drug test.
- 187 The evidence suggests that it is more feasible that Hugo ingested the fatal dose whilst in the rear pod of the police vehicle. Hugo was in the pod for ten minutes while the police searched his car and an additional 19 minutes during the drive to the police station.
- 188 It was clear from the evidence that Hugo’s demeanour at the police station was in stark contrast to his appearance at the roadside.
- 189 As referenced above, Professor Jones suggested that as a “ballpark” figure, it was likely that Hugo’s cocaine exposure occurred half an hour to an hour before he was seen to snort cocaine in the dock at the police station. This “ballpark” estimate would coincide with the period of time that Hugo was in the rear transport pod.

- 190 On the available evidence, it is accepted that it is most likely that Hugo ingested a large amount of cocaine during the period of time he was in custody in the rear of the caged pod.

Search of Hugo at the police station

- 191 Hugo was released from the rear pod at 7.05pm. At that time, no Body Worn Video was operating and recording the events.
- 192 Senior Constable Bittman described seeing a white crystal substance on the floor of the pod.
- 193 Senior Constable Bittman said to Hugo, "Are you serious?" and grabbed Hugo's arm and said to him, "Come on we're going in." Senior Constable Bittman then said to Senior Constable Dunford, "He's dropped ice in the back." Hugo denied it was ice and became aggressive and "shaped up" to police. Senior Constable Dunford moved Senior Constable Bittman away and took out his OC spray, warning Hugo that he would spray him. Hugo settled and was handcuffed and led into the custody area.
- 194 Senior Constable Dunford gave the following evidence about Hugo's change in demeanour and his perception that Hugo was not intoxicated.

Q. So you and Constable Bittman walked him from the vehicle to dock 1?

A. Yeah, correct, yes.

Q. And at that time, you were aware that there was a substance in the back of the vehicle?

A. Correct.

Q. And the only reasonable explanation was that that substance came from Hugo?

A. Correct.

Q. Did you ask him if he had consumed any of that substance?

A. I don't recall at that point, but I don't believe so. But I also don't recall.

Q. Did you turn your mind to the possibility that he'd consumed some of that substance?

A. No, I'd say no. I didn't at that point, no.

Q. When you placed him in the dock, you hadn't recovered any bag or container that that substance might have been in?

A. No, and again I was unaware as to what the substance was, how much, anything like that, yeah.

Q. But did you turn your mind to whether a container or bag from which that substance might have come was still on Hugo's person?

A. There was potential for that, yes.

Q. And did that, in your mind, raise the need for a strip search?

A. I had contemplated the strip search at that point, yes.....

Q. Did you think that you should do that before you put him into the dock?

A. I had considered it. However, due to his demeanour being aggressive, I was of the belief that if I attempted it at that point, it may have ended in an altercation unnecessarily. And there's also another female officer present, which I wasn't sure if it was appropriate to do so in her presence, which would have left me by myself.

Q. Because at that point, you didn't know that there were the other two officers at the station.

A. No, I didn't know they were on shift or if they were in area F, no.

Q. So at that point where you had this – I suppose, the possibility that a strip search was needed – what was your plan at that point as to when you would conduct a search?

A. To be honest, I didn't have one at that particular time, and I believe SC Smith had walked in only moments after Hugo was placed in that – in dock 1."

195 Senior Constable Bittman gave evidence that she had not turned her mind to the possibility that Hugo had ingested a prohibited substance after discovering the substance on the floor of the pod.

196 Senior Constable Bitman explained that she had perceived that Hugo had attempted to dispose of the substance through the drainage hole located in the floor of the pod.

197 In relation to her perceived need for a strip search to be performed at the police station, Senior Constable Bittman gave the following evidence:

Q. Did you have any discussion with Constable Dunford around the time he was taken to dock 1, about whether a strip search would be conducted?

A. No, I don't believe we talked about it.

Q. Did you turn your mind to whether, at that time, around about arrival at dock 1...

A. Yep.

Q. ...whether a strip search was necessary?

A. Everything sort of happened really quickly on that period and, yeah, again I thought it'd been disposed of, or attempted to be disposed of. In my mind, I didn't think that he had anything on him, that instead he tried to, yeah, dispose of it."

198 Shortly after being placed in the dock area, Hugo was heard sniffing, consistent with "doing a line" and was seen with white powder on his face. He was also heard to say, "I'll do a line right here."

199 Hugo's change in demeanour, his aggression, the presence of a substance in the rear pod and the absence of any container or bag, satisfied the statutory criteria for a strip search being conducted prior to him being placed in the dock.

200 Senior Constable Dunford contended however, that Hugo's aggression and his belief that he was the only male officer present at the station, provided an explanation and a basis for Senior Constable Dunford not conducting a strip search at that time.

Adequacy of care at Cootamundra Police Station

Hugo's snorting or ingestion of a white powder

201 Cootamundra Police Station had three small holding cells, including the area described as Dock 1. Those cells were monitored by CCTV cameras, although the vision was not augmented with audio.

202 At 7.07pm, Hugo was placed in Dock 1. His handcuffs were removed and Senior Constable Dunford shut the door. Senior Constable Bittman recalled hearing a loud bang of the cell door, which she understood was Senior Constable Dunford forcing the door closed against some resistance.

203 Hugo appeared aggressive and confrontational, and was making remarks, which included "as if you've never used drugs before."

204 About one minute after placing Hugo in the dock, Senior Constable Dunford moved to the Custody Manager's computer and two other officers appeared, being Sergeant Bloomfield (then in the rank of Senior Constable) and Senior Constable Smith. Those two officers then left the charge area shortly afterwards.

205 About two minutes after being placed in the dock, Hugo began fidgeting with his tracksuit pants. He then appeared to stand up, shake his leg and bend forward towards his ankle. He then appeared to lean forward, and his hand appeared to move towards his face. At this time, both Senior Constable Dunford and Senior Constable Smith, who were standing at the charge counter, looked in Hugo's direction.

206 Senior Constable Smith was identified as an "involved officer" and was interviewed by police on 6 October 2022. In his interview he stated that he heard Hugo, "sniffing and snorting air through his nostrils." He then moved to the front of the dock and saw Hugo standing with "chunks of white crumb, everything, all over the dock floor."

207 Later in his oral evidence, Senior Constable Smith indicated on numerous occasions that he had heard Hugo making a sniffing noise and had seen crumbs on the floor and Hugo rubbing his nose and his face. On one occasion, he stated that "I didn't see him actually put anything in his mouth. Later in his evidence, he was asked,

"Q. Whereabouts on his face was his hands?

A. Around his nostril area and...

Q. Covering his mouth?

A. I would say yes. It was in that general area, yes."

208 Senior Constable Smith believed that Hugo had ingested a substance, however he did not turn his mind to whether medical assistance should be requested, nor did he enquire with Hugo if he needed medical attention.

209 Senior Constable Dunford stated that at this time, his view was "slightly obscured", but he heard Hugo say something like, "I'll do a line right here." SC Dunford moved towards Hugo and saw the white powder on the floor of the cell and told Hugo that if he had taken the white substance, that would constitute a further offence of "wilfully" altering a test.

210 Senior Constable Dunford indicated that his reference to "wilfully alter" referred to an offence under the RT Act. The RT Act creates a series of offences prohibiting a person from wilfully introducing or altering illicit substances on their breath, blood, oral fluid or urine between an initial oral fluid sample and any subsequent analysis.

211 Sometime later, Senior Constable Dunford spoke with Senior Constable Bittman and Sergeant Bloomfield, as they were retrieving the powder from the rear of the pod. Senior Constable Dunford stated that

“he’s got fucking heaps still in his pants... he just did a line in the fucking dock... literally just spilt it all over the ground and went [sniff].”

212 He gave evidence as follows:

“Q. And you were referring to an offence under the *Road Transport Act*, is that right?

A. Yes.

Q. Of wilfully altering the amount of illicit drug in a person’s oral fluid?

A. Yes. I believe it can also be due to consuming food, water, things like that.

Q. Certainly. But in that circumstance, you were referring to the fact that you had drawn the view that he had, in fact, taken a substance in the dock.

A. There was very much a potential that he had, yes. Yes. I – it’s fair comment to assume that, yes, a that time I was of the opinion that he had.

Q. It’s more than potential, isn’t it? You’d formed the conclusion that he had?

A. Yeah, due to the powder on the ground, yep. The – his comment, yes.

Q. The powder on the ground, the comment, and the sniffing sound?

A. Correct.”

213 Senior Constable Dunford was asked if he had turned his mind to arranging medical assistance for Hugo, given his apparent ingestion of a substance in custody, and he responded:

“Not at that point. I believe it may have been necessary at some point, hence why I had him watched very closely. I was unaware of the amount he had consumed, and therefore I believe I asked SC Smith to watch him due to the different position – the cell that he was put in and is obscured view.”

214 At 7.10pm, Senior Constable Dunford and Senior Constable Smith removed Hugo from the dock and placed him against the wall in the charge room area where he was subjected to a strip search. Hugo attempted on a number of occasions to reach into his pants, before Senior Constable Dunford handcuffed him.

- 215 The strip search detected the presence of further large quantities of white powder in his underwear and track pants.
- 216 Hugo was then moved to Cell 1 and the door to the cell was secured at 7.15pm.
- 217 It would appear that it was at this time that Senior Constable Dunford requested the assistance of Senior Constable Smith to keep Hugo under observation.
- 218 At 7.29pm, Senior Constable Smith provided Hugo with a cup of water and noticed that Hugo had blood around his nose.
- 219 Senior Constable Smith stated in his police interview and later in his evidence that he spoke with Senior Constable Dunford and told him to “probably get an ambulance to come and check him out because he had blood on his nose, and then just due to his behaviour. It was starting to be a little bit erratic and unusual.” Senior Constable Dunford conceded that Senior Constable Smith said something to the effect, “Just to let you know, he’s got a little bit of blood on his nose.”
- 220 Senior Constable Dunford gave the following oral evidence:

“Q. In your record of interview at answer 104, you said, “and I thought, Well, that’s strange.’ Like, we haven’t had a physical altercation as such other than just handcuffing and things like that, so he shouldn’t have a bleeding nose.” Do you remember saying that in your interview?

A. Yes.

Q. By the time that Senior Constable Smith said that to you, you’d already been out to Senior Constable Bloomfield, Constable Bittman and told them that Hugo had done a line in the dock, hadn’t you?

A. I believe so, yes. Yep.

Q. Did you really think that it was strange that he had a bloody nose knowing that he’d likely, in your words, done a line in the dock?

A. I’m not aware as to what drug use necessarily does to the body. I believe that a bleeding nose would be unusual from drug consumption. (Emphasis added).

Q. But did you draw the link between the fact that he’d just put something up his nose with the bloody nose he now had?

A. There was a potential link there, yes. And at that point, I believe I arranged medical attention.”

221 Senior Constable Dunford denied that he was attempting to “play down what you knew had happened.”

222 Senior Constable Dunford then spoke with the other two officers, before returning to the muster room to arrange for the attendance of an ambulance at 7.32pm. Senior Constable Dunford’s message stated:

“Yeah thanks radio can I have an ambulance to the station for a 25 year old male, it appears he has consumed an unknown substance and he is starting to deteriorate, he is bleeding from the nose and dribbling from the mouth, he is conscious and breathing at the moment.”

223 Both Senior Constable Dunford and Senior Constable Smith were questioned during their oral evidence about their understanding of Manual V2, specifically Paragraph 60.

224 Paragraph 60 states:

“Where police suspect that a person has swallowed drugs or anything else that may be harmful to ingest, they should immediately arrange for the person to receive medical attention.”

225 In January 2023, Manual V2 was replaced with Person Search Procedure V3 (**Manual V3**). At section 10.25 of Manual V3 (**Section 10.25**), Paragraph 60 is replicated without change.

226 Senior Constable Smith initially agreed that Manual V2 required him, after forming the view that Hugo had ingested a substance, to arrange without delay medical assistance. He gave the following evidence:

“Q. Why didn’t you do that?

A. Because we were – we were going to remove him out of the cell.

Q. To conduct a strip search; is that right?

A. Yes, to do that. Yes.

Q. Probably, I imagine, also to remove him away from the substance?

A. From the contamination, yes.

Q. But the fact that you were going to do that, why did that effect you not turning your mind to arranging medical attention?

A. So I was thinking about other things as well.” (Emphasis added).

227 Later in his evidence, Senior Constable Smith indicated that Paragraph 60 referred specifically to “swallowing” drugs or other items, not ingesting those

items. He indicated that he did not see Hugo swallow any substance, and on that basis, he would not be in breach of Paragraph 60, as he was not obliged to seek medical assistance immediately.

- 228 This evidence is in direct contradiction to his earlier evidence, where he agreed that he should have sought medical assistance but was “thinking about other things”; as well as his evidence that at the time he heard Hugo sniffing, he saw Hugo put his hand to his face around both his nostril area as well as covering his mouth.

Hugo’s first fall

- 229 At 7.31pm, CCTV footage from within Cell 1 showed Hugo appearing to be very unsteady on his feet before stumbling towards the bed. His body then appears to shake uncontrollably, before he falls onto the bed in the cell.

- 230 Senior Constable Smith had been tasked to keep Hugo under constant surveillance once he had been placed in Cell 1. Senior Constable Smith told investigation officers that:

“At one stage he did move back towards the, the cell bed... and he’d, I don’t know whether he just had a faint or something like that, but he’d sort of fallen backwards onto that mattress, the blue mattress that was there. Um, and then was just laying on his back. Had no real conversation about what he’d had or anything like that. I, I suppose during monitoring him I could see that, I suppose, he, his physical health or his demeanour and everything was going down...”

- 231 Senior Constable Smith conceded that he was observing Hugo and had an unimpeded view into Cell 1 at this time. He maintained that although he thought Hugo was “wobbly and unsteady on his feet” before he fell onto the bed, he did not see him convulsing or any seizure activity. Senior Constable Smith agreed that Hugo appeared to be deteriorating at this time.

- 232 Senior Constable Smith gave the following evidence:

“Q. When you said, in your interview, “I don’t know if he had a faint or something”, what were you referring to?

A. I guess I used the word faint to describe how he sort of fell backwards, and he didn’t collapse.

Q. Sorry, I ..

A. He didn’t collapse, like straight down, well, that I recall.

Q. Can I just ask what you saw that led you to say, "I don't know if he had a faint or something?"

A. I'm not sure why."

- 233 CCTV footage from outside Cell 1 at this time depicts Senior Constable Bittman entering the charge room area approximately 50 seconds after Hugo's fall. The CCTV footage further shows Senior Constable Dunford entering the same area 90 seconds after Hugo's fall.
- 234 During this period of time, the CCTV footage shows Senior Constable Smith standing outside the closed cell door looking into the cell. At no time does Senior Constable Smith speak to either Senior Constable Bittman or Senior Constable Dunford to inform them that Hugo has been unsteady and fallen in his cell.
- 235 Senior Constable Smith accepted in his sworn evidence that he could not recall telling either officer that he had seen Hugo unsteady on his feet and the subsequent fall. The CCTV footage was then played to Senior Constable Smith, who accepted that Senior Constable Dunford had entered the room, however he could not recall if he had informed Senior Constable Dunford that Hugo had fallen, although "I might have said that he had fallen over on the bed."
- 236 Senior Constable Dunford could not recall such a conversation with Senior Constable Smith, but if he had been told that information, he would have updated radio operations with the additional information.
- 237 In his interview with police, Senior Constable Smith was asked:

"Q.... Did you enter the cell?

A. Not at that stage. It was, I suppose I was just unsure whether, whether it was just a, he was playing possum or something like that at that stage. Cause ah, he'd sort of resisted us at the time, I mean, whether he wanted to try and get someone in there I'm not sure. Um, when he was sitting, he was sort of sitting leaning into the bed, you were asking the questions and he was not making any sense. It was just verbal gibberish, really."

- 238 Senior Constable Smith gave evidence that on many occasions Hugo appeared to be asking to make a phone call, however, he was unable to understand what he was saying as it was a lot of rambling and gibberish.

- 239 Senior Constable Smith was asked about the "playing possum" comment and stated:

"A. It's not common that - well I wouldn't do that myself. If I'm in a custody area and someone has confined (as said) in a cell and that you've had like interactions with this person and observing their behaviours and their

demeanour, I would be reluctant to then go into – into a confined area to possibly be subjected to some kind of violence if he was potentially faking. I'm not saying he was, but if – yeah.

Q. Was there anything about his behaviour to lead you to think that he was faking it?

A. No.”

240 Senior Constable Smith appeared to accept when giving his oral evidence that there was nothing about Hugo's behaviour that could have been interpreted in his presentation as “faking”. Senior Constable Smith's concerns that he may be lured into a situation of insecurity appeared somewhat reduced given Hugo's deteriorating health.

241 At no time did Senior Constable Smith ask one or more of his colleagues to assist him to enter the cell, in the event that Hugo may threaten his safety. In fact, his lack of response can be juxtaposed to that exhibited by Sergeant Bloomfield shortly afterwards, where she became aware that Hugo was fitting and immediately entered the cell unaccompanied.

242 It is unexplained and inexplicable why Senior Constable Smith did not inform the custody manager, Senior Constable Dunford of Hugo's deteriorating clinical presentation.

243 At all relevant times that Hugo was staggering, falling and fitting, Senior Constable Smith simply stood outside the cell door and watched. He offered no assistance in terms of proactively assisting Hugo into the recovery position to guard against positional asphyxia or the adverse effects of vomiting.

244 Senior Constable Smith's failure to act, his failure to inform colleagues and his failure to provide simple first aid demonstrated his of lack of professional care when charged with the safety and wellbeing of a person in custody.

Hugo's second fall

245 At 7.35pm, Sergeant Bloomfield entered Cell 1 and asked Hugo what he had ingested. Hugo appeared disoriented and uncoordinated on Sergeant Bloomfield's Body Worn Video. Hugo attempted to answer her; however, he appears to have been incapable of forming coherent sentences or even words.

246 At 7.38pm, Hugo can be seen standing at the cell door. He begins to shake uncontrollably before falling heavily onto the front of his body near the cell door. Senior Constable Smith stood outside the cell door, facing the door with his hands in his pockets. He made no attempt to alert either Senior Constable

Bittman or Sergeant Bloomfield who were outside Cell 2 collecting the cocaine from the earlier strip search to the fact that Hugo has fallen over, nor does he attempt to provide any assistance to Hugo.

- 247 Hugo laid on the floor of the cell for 19 seconds before he suffered a seizure. The seizure activity continued for 20 seconds as he lay face down, with his right arm across his body and throat. Senior Constable Smith remained standing in the same position, looking into the cell. Again, he failed to alert his colleagues.
- 248 SC Smith remained transfixed in the same position for 50 seconds after Hugo had fallen, until Sergeant Bloomfield walked over and asked him if Hugo was fitting. Senior Constable Smith did not respond. Sergeant Bloomfield made a comment about positional asphyxia and immediately entered the cell to assist Hugo.
- 249 Senior Constable Smith was unable to recall if he had seen Hugo's head hit the floor prior to the commencement of the seizure, nor who, if anyone, he had advised of the fall and fitting. His oral evidence was littered responses such as "I don't recall" and "I don't recall who I spoke to about it."
- 250 Senior Constable Smith sought to explain his inexplicable inaction, by suggesting that he needed to obtain Personal Protective Equipment (PPE), being disposable gloves. He gave the following evidence:

“Q. When Hugo had suffered his seizure and then was laying on the floor, did you have any concerns for positional asphyxia?

A. Not immediately.

Q. Do you think that you should have immediately entered the cell?

A. I should have assessed, yes.

Q. You were standing at the door, you were assessing?

A. Yeah.

Q. So you did assess, didn't you?

A. Yes.

Q. But you should have entered the cell to perhaps put Hugo into the recovery position?

A. Yes.

Q. Why didn't you?

A. I didn't wanted to – I didn't want to rush into the cell immediately. I had no PPE as well.

Q. What sort of PPE were you concerned about?

A. Just gloves. Just some general gloves.

Q. The seizure occurred for 22 seconds; okay?

A. Okay.

Q. Could you have gone and got some gloves straightaway?

A. I could have, yes."

- 251 Senior Constable Smith's inactions and bewildering explanations are extremely concerning, particularly given his level of experience as a police officer.
- 252 He provided no reliable information to colleagues and the ambulance officers that he knew had been summonsed. He provided no assistance to Hugo either in terms of practical first aid or prevention of injury from further seizure activity.
- 253 His explanations for his inaction are perplexing and concerning. There does not appear to be any sound basis or rational excuse for his inability to deal with an extremely unwell person in his custody.
- 254 It is accepted that Hugo could not have survived the effects of the fatal dose of cocaine and that Senior Constable Smith did not cause Hugo's death. However, his responses, and lack of responses are extremely concerning.

Recommendations

- 255 At the conclusion of the inquest, Counsel Assisting, Mr McAuliffe submitted that the evidence permitted the Court to make the following recommendations pursuant to section 82 of the Act.
- 256 The three recommendations are addressed to the Commissioner of Police in the following terms:
- i. That this matter is to be investigated and reviewed by the New South Wales Police Professional Standards Command.
 - ii. That section 10.25 of the Person Search Manual V3 be reviewed with a view to clearly stating that medical attention should be immediately sought where police suspect a person has ingested, consumed or administered, by any means, drugs or a harmful substance.

- iii. That the Charge Room and Custody Management Standard Operating Procedures be reviewed with a view to include a procedure that medical attention should be immediately sought where police suspect a person has ingested or consumed, by any means, drugs or a harmful substance while in police custody.

257 Mr Lowe, on behalf of the Commissioner of Police, Senior Constable Smith and Sergeant Bloomfield provided written submissions which addressed each of the recommendations and indicated that the recommendations are not supported.

258 I address the second recommendation, first, to provide some context for my consideration of the other two recommendations.

The second recommendation

259 At the time of Hugo's death, the relevant police procedure referable to "Person searches" was contained in a document titled Person Search Manual V2 (**Manual V2**). This document was superseded by the Person Search Manual V3 (**Manual V3**) in January 2023.

260 Recommendation 2 relates to section 10.25 of Manual V3 (**Section 10.25**), although counsel assisting and Mr Lowe have made reference to paragraph 60 of Manual V2 (**Paragraph 60**) in their submissions.

261 Paragraph 60 states:

"Where police suspect that a person has swallowed drugs or anything else that may be harmful to ingest, they should immediately arrange for the person to receive medical attention."

262 As noted earlier in these reasons, and as noted by Mr Lowe in submissions, the same requirement was reproduced in Manual V3 without amendment as Section 10.25.

263 Mr Lowe submitted that the drafting and the legislative intent are clear and should be compared with section 9.13 of Manual V3 which reads:

"A suspicion that a person has ingested or internally secreted a drug does not , on its own, justify a strip search (see paragraphs 10.22 to 10.26)."

264 He further submitted that sections 10.23 and 10.24 of Manual V3 distinguish between a situation where drugs have been secreted in a body cavity and a person is "attempting to swallow drugs" and that Section 10.25 speaks to a different situation, that being where a person has swallowed drugs, and that these three scenarios are not interchangeable.

265 In response it was submitted that:

“paragraph 9.13 addresses whether a suspicion of ingestion justifies the invasive and coercive step of a strip search. Paragraph 10.25 addresses whether a suspicion of harmful consumption justifies the protective and non-coercive step of calling an ambulance. The lower and broader threshold applies to the protective response rather than to the coercive one. The difference in language reflects the different nature of the two responses, not a deliberate policy choice to insulate an officer from any obligation to seek medical help when they suspect that a person in their care has consumed a harmful substance.”

- 266 The two sets of submissions reviewed the use of the word “swallow” as compared to the use of the word “ingest”.
- 267 Sergeant Bradley and Senior Constable Dunford both appeared to accept that where Hugo had clearly snorted a substance, rather than swallowed a substance, it was appropriate to arrange medical assistance.
- 268 It was submitted on behalf of Senior Constable Smith that there was no evidentiary basis to support the contention that he knew that Hugo had swallowed any substance, and “A suspicion of some form of drug exposure does not answer the separate question whether he suspected swallowing or ingesting within the meaning of the policy.”
- 269 It was further submitted that the evidence does not support a conclusion that Senior Constable Smith knew what the substance was, nor the quantity of that substance that had been taken by Hugo.
- 270 Paragraph 60 did not require police to have a knowledge of the amount of the substance consumed.
- 271 It was submitted that Senior Constable Smith’s knowledge was limited as he was not involved in Hugo’s arrest, did not have knowledge of the drugs which had been discarded in the police pod and did not have the operational knowledge that Senior Constable Bittman and Senior Constable Dunford may have possessed.
- 272 Senior Constable Smith had however, seen Hugo in the dock with crumbs of white powder. He had also assisted Senior Constable Dunford conduct a strip search in front of Cell 2. During that search a significant amount of white powder spilled from Hugo’s clothing onto the floor. He was also present when both Senior Constable Bittman and Sergeant Bloomfield were carefully gathering the spilt powder from the floor and preserving Hugo’s clothing.
- 273 Senior Constable Smith was a party to the conversation in which Senior Constable Dunford told Hugo that he had “wilfully altered” the initial oral fluid

test by ingesting the powder, which inferentially suggested that there was an issue with Hugo and illicit substances. He had a number of conversations with Hugo in which Hugo was rambling and incoherent, so much so that he could not provide details of his next of kin for a telephone call.

- 274 There is no requirement that a police officer needed to be aware or certain of what type of drug is involved, simply that they are satisfied that the substance is “drugs or anything else that may be harmful to ingest...”
- 275 It was submitted on behalf of Senior Constable Smith that the evidence relating to the “wilfully alter” scenario does not advance the proposition as to whether he was satisfied that the powder had been swallowed or snorted. Indeed, it was submitted that it strengthens the contention that Hugo had snorted, rather than swallowed, the substance, with Senior Constable Dunford’s statement to Senior Constable Bittman and Sergeant Bloomfield that Hugo “just did a line in the fucking dock.” There is no evidence, however, that Senior Constable Smith was a party to that conversation.
- 276 Although there is evidence that Senior Constable Smith saw Hugo with his hands covering his nostrils and his mouth, the Court cannot be satisfied on the balance of probabilities that Senior Constable Smith was aware, either directly or indirectly, that Hugo had swallowed any substance. It cannot therefore be established on the evidence that Senior Constable Smith was in breach of police policies and procedures in relation to Paragraph 60.
- 277 It is clear from the evidence, specifically the evidence given by Sergeant Bradley that, based on an apprehension that Hugo had snorted a substance rather than swallowed a substance, it “would be best practice” to arrange medical attention, and “that would be something that should have occurred.”
- 278 The evidence suggested that Senior Constable Dunford was exercising sound policing discretion by arranging medical assistance as he perceived there was a potential for harm in the circumstances of Hugo’s custody. He did not feel constrained by the wording of Paragraph 60 to be satisfied that Hugo had swallowed a substance rather than snorted a substance.
- 279 Many illicit substances are snorted, injected, smoked and ingested.
- 280 It was submitted on behalf of the Commissioner of Police, Senior Constable Smith and Sergeant Bloomfield that the

“suspected swallowing presents a category of risk that is materially different in nature and degree. It carries unique, life-threatening risks, including rupture of packaging leading to rapid and massive overdose, as well as the risk of gastrointestinal obstruction. It also presents inherent

uncertainty, as police are typically unable to determine the quantity ingested, and the absence of immediate symptoms does not reliably indicate safety.

By contrast, where nasal insufflation is suspected, the available evidence and operational experience indicate that smaller quantities are typically involved, and while risk remains, it does not *ordinarily* present the same immediate and unpredictable life-threatening profile.”

281 Professor Jones noted that if a person had ingested drugs by nasal insufflation in the presence of police officers, those officers

“would need to be working with greater alacrity, because of the speed of onset of drugs up the nose having effects.”

282 It is reasonable to accept that if Manual V2 (and Manual V3 which replaced it) is designed for the protective purpose relating to persons held in police custody, an amendment reflecting a broader interpretation is necessary.

283 In those circumstances, as well as circumstances that could lead to confusion surrounding the word “swallowed”, it is necessary to make a recommendation to amend the wording of Section 10.25 to encapsulate a broader threshold.

284 On behalf of the Commissioner of Police, it was submitted that there is no need for an amendment of the wording in its current form as consultation with representatives from the Custody and Police Powers portfolios “confirms that the present wording reflects a deliberate and principled distinction, rather than an arbitrary limitation.”

285 Despite the submissions relied upon by the Commissioner of Police, the second recommendation will be made. It is necessary, in my view, to provide protection for both persons being held in police custody; as well as police officers tasked with the duty of care of persons in their custody.

The third recommendation

286 At the time of Hugo’s death, the relevant police procedure referable to the management of persons in police custody was contained in a document titled “Charge Room and Custody Management Standard Operating Procedures” version 1.6 (**Custody SOP**). Version 1.6 was replaced by version 1.7 in July 2023.

287 Both versions contain identical sections 6 and 6.1.

288 Section 6 of the Custody SOPs refer to “Intoxicated Persons” and commence by stating,

“Police should always consider the safety of an intoxicated person (IP) and are reminded to seek urgent medical attention where appropriate.”

289 Section 6.1 of the Custody SOPs (**Section 6.1**) refer to “Intoxicated Persons in Custody,” and includes a clause,

“To manage the risks associated with intoxication and drug or alcohol withdrawal, you must seek medical attention immediately if you are concerned about the condition of a detained person.”

290 Counsel Assisting, submitted that a review of the Custody SOP “reveals that it does not repeat the obligation set out in the Person Search Manual, that if police suspect a person has “swallowed” drugs or anything else that may be harmful to ingest, then they should immediately arrange for the person to receive medical attention.” He further noted that Section 6.1 “does not consider the circumstance of a person in custody ingesting a known, or unknown substance while in police custody.”

291 Counsel Assisting submitted that the omission in Section 6.1 was significant, given that a person in police custody may ingest drugs in an impulsive fashion increasing the risk of acute toxicity and the associated need to obtain medical assistance. He further stated that the proposed recommendation did not contain a reference to “any person who may have ingested a substance prior to entry into police custody” to avoid a suggestion that police must obtain medical attention in those circumstances.

292 On behalf of the Commissioner of Police, Mr Lowe has submitted that

“The current policy therefore reflects a rational and targeted prioritisation of risk. It identifies a specific class of high-risk circumstances – suspected swallowing – while preserving the ability of officers to exercise judgment and obtain medical assistance in other situations where concern arises.

It is accepted that this matter has highlighted the importance of clarity in the articulation of policy triggers. There is indeed scope for refinement to ensure that those triggers are clearly expressed and consistently understood in operational settings.

However, the proposed amendments create a real risk of unintended consequences.”

293 Mr Lowe indicated that Recommendation 3 risks a situation of “underreach”, where the proposed amendment “would confine the trigger to circumstances where consumption is suspected to have occurred while in custody. That formulation has the potential to exclude persons who consumed a substance

prior to custody but nevertheless present a real and immediate risk requiring medical attention.”

- 294 Mr Lowe indicated that consideration had been given to alternative wording, for both Recommendation 2 and 3, however,

“any such formulation would require consultation with multiple stakeholders, including operational police, custody specialists, policy advisers, and medical experts. It is not considered that such a process can be adequately undertaken within the timeframe of this inquest.

In those circumstances, the Commissioner’s position is that any amendment should be the subject of a considered and consultative review process, rather than being determined in the course of these proceedings.

The Commissioner supports such a process. The issues identified are important and warrant careful attention. However, the appropriate course is to allow time for proper consultation and development of a formulation that is clear, proportionate, and workable in practice.”

- 295 Counsel Assisting has confirmed that his submission and proposed Recommendation was designed to encourage policy review.

- 296 It is gratifying that there is an agreement between the parties that the Custody SOPs require amendment to ensure persons in custody who are intoxicated from either drugs or alcohol are provided with timely and appropriate medical assistance. A considered review of the policies and procedures would be welcomed by the Court, to ensure the protection of both persons in custody as well as police officers charged with their supervision.

The first recommendation

- 297 The first recommendation is not supported by the Commissioner of Police, Senior Constable Smith or Sergeant Bloomfield.

- 298 The recommendation is focused on the conduct of Senior Constable Smith during Hugo’s incarceration and calls for this “matter to be investigated and reviewed by the New South Wales Police Professional Standards Command.”

- 299 On behalf of Senior Constable Smith, it was submitted that

“a finding that an officer’s conduct fell “well below” the expected standard is a serious one. It should not be made unless the evidence demonstrate a clear and substantial departure from identifiable obligations or from the range of conduct reasonably open to an officer in the relevant position. No particulars of such grave submissions are

supplied by reference to identifiable obligations. Such submissions, if they are to be put, needed to be put squarely to the witness and they were not. They must be rejected.”

300 In that regard, it was submitted that there is insufficient evidence to establish a finding that Senior Constable Smith’s conduct fell “well below” the expected standard when the following issues are considered, being

- i. the suspicion of swallowing versus insufflation,
- ii. he was not in possession of sufficiently precise knowledge regarding the quantity, method, or timing of cocaine use to conclude that immediate medical intervention was the *only* reasonable option available,
- iii. Senior Constable Smith was not the custody manager or that he bore primary custodial responsibility,
- iv. the evidence shows a real and ongoing response by police once more obvious markers of deterioration emerged,
- v. evidence of aggression and unpredictability of Hugo,
- vi. the inevitable outcome once the consumed cocaine had taken effect.

301 It is accepted that Senior Constable Smith was not the Custody Manager. The evidence establishes however, that he had been tasked by Senior Constable Dunford to observe Hugo after he had been strip searched and placed in Cell 1.

302 It was submitted that in a rural or regional police station, officers are typically performing various and multiple tasks, and that was in fact what was occurring when Senior Constable Smith had been tasked with observing Hugo.

303 The evidence does not support such a contention. There is no evidence, either from the other officers, nor from the CCTV footage that shows him to be undertaking other duties at that time. The evidence shows him to be standing, looking at the cell, with his hands in his pockets on both occasions that Hugo fell in the cell. He made no attempt to speak to Hugo, support him or communicate the situation with other officers.

304 It is accepted that policing is a dangerous occupation and that incarcerated persons can be unpredictable and aggressive. The evidence, however, does not disclose that Senior Constable Smith sought the assistance of any of his colleagues for the purpose of accompanying him into the cell. In fact, Sergeant Bloomfield reacted immediately that she became aware that Hugo was fitting and entered the cell and rendered assistance.

- 305 Senior Constable Smith did not communicate the occurrence of Hugo's first fall to the Custody Manager, Senior Constable Dunford, as would be expected of an officer tasked to observe a detainee.
- 306 It was submitted that Senior Constable Smith's view may have been impaired from his position outside of the cell.
- 307 Sergeant Bloomfield appeared to have a similar line of vision and did not seem to labour under such an asserted impairment.
- 308 It was submitted that "referrals require evidence of a clear policy violation or serious misconduct warranting disciplinary action" and that Senior Constable Smith's conduct "should be seen as a lack of recognition or awareness issue rather than a conduct matter."
- 309 It was further submitted that such a referral "unnecessarily implicates Senior Constable Bloomfield who is not criticised."
- 310 It is unclear how Sergeant Bloomfield's behaviour and conduct could attract adverse criticism. Her conduct was appropriate, thorough and professional.
- 311 Senior Constable Smith's conduct on 30 September 2022 was the antithesis of Sergeant Bloomfield's conduct. His apparent lack of appreciation of the seriousness of a person experiencing seizures in custody and the associated failure to communicate with the other officers and render first aid is an extremely serious finding. As such, I will make the first recommendation.

Considerations

- 312 The evidence establishes that Hugo was in the process of couriering a large amount of cocaine on 30 September 2022.
- 313 He was lawfully stopped by Senior Constable Dunford and Senior Constable Bittman and subjected to drug and alcohol testing, resulting in a positive drug test.
- 314 His interactions at the scene were recorded on Body Worn Video by both officers.
- 315 He was searched by Senior Constable Dunford in a professional and thorough manner and no drugs were located either on his person or in his car.
- 316 Prior to his car being searched, Hugo was placed in the rear custody pod attached to the police vehicle. He was left unsupervised for a ten-minute period, which constituted a breach of police policy.
- 317 Although it would appear that Hugo ingested a large quantity of cocaine whilst in the rear pod of the police vehicle, I am satisfied that this was more likely to have

occurred during his transportation to the police station, rather than at the side of the road where he was originally stopped. I find that the policy breach did not contribute to Hugo's death.

318 On arrival at the police station, Senior Constable Bittman noticed that there was a substance on the floor of the pod which she presumed was methylamphetamine, or ice. She noticed that Hugo's demeanour had changed from being polite and co-operative, to aggressive.

319 Hugo was not submitted to a further search on his reception into the police station as Senior Constable Bittman perceived that he had attempted to dispose of the drugs rather than ingest the drugs.

320 Shortly after being placed in the dock, Hugo could be heard snorting something and was removed from the dock and subjected to a strip search. The search confirmed the presence of a large quantity of white powder. Hugo was then placed in a forensic suit and moved to Cell 1.

321 Senior Constable Dunford assumed the role of Custody Manager and delegated the role of observer to Senior Constable Smith.

322 Whilst under supervision, Hugo fell on two occasions. On the second occasion he suffered a significant seizure.

323 Senior Constable Smith failed to communicate these developments with the other officers and also failed to render first aid to Hugo. His conduct fell below the conduct and professionalism reasonably expected from an experienced officer. His explanations were inadequate.

324 Senior Constable Smith's evidence was unsatisfactory and at times, contradictory.

325 It is clear from the expert medical evidence that Hugo could not survive the effects of the ingestion of such a large quantity of cocaine, and unfortunately his death was inevitable.

Family statements

326 The family provided individual statements to the Court attesting to their profound and enduring grief.

327 They described the devastating impact his death has had on each family member and their attempts to provide support and protection for his young family. His sister said,

“it has been hard for me to witness how much he loved his girls and how important it would've been for them to have him in their lives.”

328 His mother said,

“Our lives have been impacted so much. No day has been the same since our son’s life ended. Every moment from our past memories pop up in one way or another, and we’re reminded that we are living, facing worse than our worst nightmare. Living without our child, our hearts are shattered. Everywhere we go reminds us of Hugo.”

329 Hugo’ family members have been at Court during the entirety of these proceedings. On every occasion, they have conducted themselves with grace and dignity in the face of such profound grief and loss.

Conclusions

330 Hugo’s death was not preventable in the circumstances established on all the available evidence.

331 The conduct of the involved police was generally appropriate and complied with the police policies and procedures, with the exception of Senior Constable Smith.

332 Before turning to the Findings that I am required to make, I would like to acknowledge my gratitude to Mr Matthew McAuliffe of Counsel and Ms Rachel Karrouer and Mr Gareth Martin, Senior Solicitors for the Crown Solicitor’s Office, for their significant assistance, commitment, support and preparation of this case.

333 I would also like to acknowledge and thank the officer in charge of the investigation, Detective Sergeant Julie Bradley

334 Finally, I would like to again record my most sincere condolences to Hugo’s family.

Findings pursuant to section 81(1) of the *Coroners Act 2009* (NSW)

I make the following findings pursuant to section 81(1) of the *Coroners Act 2009* (NSW):

Identity

The person who died was Hugo Peter Diaz Knox

Date of death

Hugo died on 30 September 2022

Place of death

Hugo died at Cootamundra Hospital, Cootamundra

Cause of death

The cause of Hugo's death was cardiorespiratory arrest due to acute cocaine toxicity.

Manner of death

Hugo died from the ingestion of a large quantity of cocaine while in the lawful custody of the NSW Police Force

Recommendations pursuant to section 82 of the *Coroners Act 2009* (NSW)

I make the following recommendations pursuant to section 82 of *the Coroners Act 2009* (NSW):

To the Commissioner of Police, NSW Police Force

1. The Commissioner of Police consider the referral of this matter to the New South Wales Police Professional Standards Command for the investigation and review of the conduct of Senior Constable Cameron Smith.
2. The Commissioner of Police give consideration to reviewing section 10.25 of the Person Search Procedure V3 with a view to clearly stating that medical attention should be immediately sought where police suspect a person has ingested, consumed or administered, by any means, drugs or a harmful substance.
3. The Commissioner of Police give consideration to reviewing the Charge Room and Custody Management Standard Operating Procedures with a view to include a procedure that medical attention should be immediately sought where police suspect a person has ingested or consumed, by any means, drugs or a harmful substance while in police custody.

I now close this inquest.



Judge Joan Baptie

Deputy State Coroner

20 August 2026

