

## FINDINGS AND RECOMMENDATIONS

### COURT DETAILS

Court	State Coroner's Court of NSW
Case number	429/09

### PROCEEDINGS

Inquest into the death of	<b>AB</b>
Hearing dates	26 October 2010
Date of findings	26 October 2010
Place of findings	State Coroner's Court, 44-46 Parramatta Rd, Glebe
Findings of	His Honour Magistrate Brydon, Deputy State Coroner

### FINDINGS

I find that AB died on 13 February 2009 in bushland near Alicia Place, Kenthurst, as a result of exsanguination following the self infliction of a wound with the intention of taking her own life.

### RECOMMENDATIONS

That the Commissioner of Police review the education of Police Officers in the field of tracing of telephone calls, in particular, the use of triangulation and last call details, with respect to their use, interpretation and employment in the process of police investigations.

### REPRESENTATION

Assisting the coroner	Mr Christopher McGorey instructed by Ms Alana McCarthy of the Crown Solicitor's Office
Representing the family	
Other parties	Mr Michael Spartalis instructed by Mr Stuart Robinson for the NSW Police Force

## REASONS FOR FINDINGS

- 1 In relation to this matter today we have had the inquest into the death of AB. AB passed away on 13 February 2009. As part of the proceedings today the police service has been represented and the family have indicated through counsel assisting, Mr McGorey that they did not wish to be present today but that is not to reflect in any way their not wishing to be involved in these proceedings however they found the proceedings too painful for their attendance.
- 2 This is a mandatory inquest pursuant to s 23 of the Coroners Act 2007 which deals with the issue of where deaths take place in connection with a police operation. The police operation clearly is where the police were searching for AB following complaints or notifications being made to the police that AB had an intention to commit suicide. During the course of those inquiries and notifications to police it was indicated that she had struggled for a long time with mental health, had made attempts to commit suicide in the past and there was a genuine concern relating to her welfare.
- 3 By way of just general background, as I say, AB had been struggling with mental health issues for a number of years; she had exhibited suicidal tendencies in recent time, she had been in a private hospital prior to discharge and had consulted with her doctor, Dr E and it was proposed that she would be admitted in the not too distant future into another clinic to participate in a dialectic behavioural therapy program at St John Hospital. Following her withdrawal from the hospital system she clearly started to descend into some despair insofar as 13 February despite having reacquainted herself with a friend on 12 February; by 13 February her mental health state had deteriorated significantly.
- 4 She had had previous attempts on her life on 1 May 2008 and other attempts in September 2007 and 30 April 2008. Following those attempts on her life she had suffered hospital admission and particularly in relation to the attempt on 1 May it was a significant attempt and but for the swift intervention of police she would I have no doubt have passed away. Following notification of the police at 1.08pm on 13 May by her daughter, FG of her mother's indication of self-harm police were contacted and a computer message was sent to the police to commence investigations into her whereabouts.
- 5 A further CAD notice as it is referred was generated at 1.10pm following a report by Mrs B's son, C and that gave the graphic indication that she had access to razor blades and lots of medication and also later at 2.05pm there was a further call from AB's sister who identified the vehicle that had been taken by AB.
- 6 Thereafter police rapidly put in a process to try and investigate the matter and by 1.10pm the police were starting to activate the search program. Certainly at that stage Senior Constable Shane Hewitt who has given evidence in these proceedings responded to that radio call and in company with other officers attended the home address at 12B Kings Road at Castle Hill and they sought to check on the welfare or the whereabouts of AB. She was not home but the officer spoke to a gentleman, an elderly gentleman in the adjoining townhouse who turned out to be her father. It would seem that some information was given to the police about a mobile phone number which ultimately turned out to be one that was no longer in service or used by AB.
- 7 A number of inquiries were then made and by about 2.30 I think Mr DB, the father had made a number of calls to the old mobile number of AB. Subsequently Constable Hewitt had a recollection that another officer had been involved in the

event of 1 May 2008 where AB had attempted to take her life and he recollected that she may have been at the Hills Lodge and he then proceeded to attend that area and the nearby Crown Plaza Hotel seeking to make inquiries as to the whereabouts of the car.

- 8 By around 3.50 on that afternoon further inquiries were made by Senior Constable Sarah Dubonet, if I mispronounce it I apologise, with the Hills Lodge, the Crown Plaza, Quest Apartments to see if anyone had sighted Mrs B who was still at this stage listed as missing. By about 4.27pm conversations apparently took place between Senior Constable Hewitt and Detective Inspector Cameron and Detective Inspector Cameron may have contacted the DOI officer being Leanne Douglas by phone and a request for a triangulation of the mobile phone was sought.
- 9 By that stage the police had two numbers, a number which was operative and the original number which had been provided by Mr DB. Ultimately that latter number was crossed out and not sought to be the subject of any triangulation. That was then put in place but by about 5.17 Telstra had advised that the number which was initially believed to be a Telstra number by virtue of the first four digit prefix was in fact a Vodafone number and a fresh request for triangulation was made to Vodafone; that was then put in the name of Detective Miller who was then the operative detective at Castle Hill Station.
- 10 It took some time from 5.17 through til approximately 5.52 before the operators of the Vodafone service were able to provide what was thought to be a phone triangulation which gave an address of Annangrove, Amaroo Park Raceway, Annangrove Road, Joylyn Road, cell 1 pointing east direction two point seven kilometres to three kilometres east. According to the recipient of that information, the Duty Inspector Burns, he interpreted that the location of the tower that was giving them this information was on the corner of Annangrove Road and Joylyn Road and certain equations were then made as to where the search pattern should be.
- 11 It appears that on further inquiry that the location of the tower was approximately a kilometre away from the location of the intersection of Annangrove Road and Joylyn Road. Nonetheless inquiries then started to be commenced in the general area of which had been identified but by 6.29 it became apparent that a number of people who were residents in Alicia Place at Kenthurst had found a car and then observed a body and both Mr Bernard Gavin and Colin Krispin on their investigation at the end of the street found the deceased female. Within a relatively short space of time a number of officers attended the scene and it would appear having regard to their observations of the setting in of rigor mortis that the body may have been dead for some time.
- 12 The issues that arose in relation to this inquest were not so much the issues that the coroner generally has to determine; they being it is clear that the identity of the deceased, the place and date of death and the manner and cause of death appear clear on the factual material that is before me. Two issues rose to consider in relation to this matter was the issue of the instructions that may be available to police officers generally as to triangulation and last cell details of phones and also whether in fact any warning notifications should be applicable on a person's CNI details so that they are immediately apparent to anyone who was to access that information.
- 13 Perhaps dealing with the warning notifications at first instance; I have had the benefit of hearing some helpful submissions on this particular aspect also the evidence of Detective Chief Inspector Murray on behalf of Superintendent Donahue and the proposals that are being mooted which are set out in exhibit 7. Those proposals are presently being considered by the police department and it is

- envisaged that they will ultimately be incorporated subject to executive approval, incorporated into the standard practice procedures of the police service.
- 14 As part of those warnings of course they would incorporate anything or they would incorporate a mandatory warning being placed on a person who had some information or the police had some information that they may have been involved or in possession of a weapon and also the extent of the warning seems to be extended beyond just those officers faced with the daily task of having to place their life in danger but to those other persons who themselves have their lives in danger even in circumstances of self-harm.
- 15 I am satisfied on the material before me that the police acted appropriately and were advised appropriately of the existence of the mental health disorder and that AB had a history of prior attempts; those prior attempts were genuine and that this was another incident where blades and medication may well have been available and able to be used. So that information came through to the police and I accept was acted upon by the police at an early stage.
- 16 There does not seem to be anything which would suggest that that information was not given to those officers tasked with the responsibility of finding her. So for that reason and the fact that the police service themselves are looking at this proposal I do not propose to make any or find a need for the purposes of recommendation. However, in relation to this issue of triangulation and last call location for the purposes of missing persons and police investigations generally it must be said that the level of knowledge by the police may be assisted by further education in relation to these matters.
- 17 Helpfully, the detective chief inspector said that there was probably not a lot known and when asked about the workings of triangulation generally both he and Mr Hewitt apart from recent inquiries made with the operators perhaps may not have been as au fait with the manner in which triangulations are physically recorded, how they are in fact put together by the Telco providers and what information and the accuracy of the information that is being recorded from them.
- 18 It is clearly of some concern that the providers are providing general information as a starting point rather than precise details from where measurements should be commenced for the purposes of identifying a search area. I accept that the general position may be that the DOI makes the application and you have to have good reasons for it to comply with the provisions of 2 287 of the Telecommunications Act. However, it seems to me that having an understanding of the way in which triangulations work would only enhance the investigative skills of those persons particularly who are charged with the responsibility of its application.
- 19 So I see that there is some benefit in a review being undertaken by the Commissioner or those who he charges with that responsibility to look at the prospect of assisting those men and women who are charged with that responsibility of police investigation to assist them with further information as to how these operate, how they can be best utilised and what is the real expectation one can take from them and I say this because we are now moving very quickly into modern times where most people have a mobile phone and most people leave that phone on or in a position where they can be contacted.
- 20 That opens up a corridor of investigation for the use of these triangulation and advances in that technology to best utilise finding people in circumstances provided under the legislation where the circumstances of the legislation allows that process to be undertaken. For those reasons I propose to make a recommendation to the Commissioner of Police that he reviews the education of officers in the field of tracing of phone calls in particular the use of triangulation and last call detail with

respect to its use, its interpretation and employment in the process of police investigation.

**SIGNATURE**

Signature

Name

Magistrate Brydon

Capacity

Deputy State Coroner

Date

26 October 2010