



The Coroners Act 2009

<p style="text-align: center;">IN THE LOCAL COURT OF NEW SOUTH WALES CORONIAL JURISDICTION</p>

Name of Deceased: Adam Quddus Salter

File Number: 3333/09

Hearing Dates: 25 – 30 September and 7 October 2011

Location of Inquest: Glebe

Date of Finding: 14 October 2011

Coroner: Magistrate Scott Mitchell, Deputy State Coroner

Appearances:

- Mr C Lonergan of Counsel instructed by Ms Emma Sullivan of the NSW Crown Solicitor's office, appeared to assist the Coroner
- Mr Quinlivan of Counsel appeared for Dr An
- Mr I Latham of Counsel appeared for Paramedic Johnstone
- Mr Pike of Counsel appeared for Paramedics, Coolahan, Lutz & Clements
- Mr Nicholls of Counsel appeared for Sgt S. Bissett
- Mr R Hood of Counsel appeared for the NSW Police Department
- Mr S Rushton of Senior Counsel appeared for the Salter family

Note: Certain evidence given during this inquest is subject to a non-publication order pursuant to section 74 (1)(b) of the Coroner's Act 2009

INQUEST INTO THE DEATH OF Adam Quddus Salter

FINDINGS

1. This is an inquest into the death of Adam Quddus Salter who was born on 18 June, 1973 and died, aged 36, on 18 November, 2009 at Canterbury Hospital, Canterbury Road, Campsie, NSW. Mr. Salter died after being shot that day at the home he shared with his father at 33 Wangee Road, Lakemba by Sergeant Sherree Anne Bissett of Campsie Police using her police service revolver.

The Inquest

2. The inquest is mandatory, death having occurred *in the course of a police operation*. Mr. C. Lonergan of Counsel instructed by Ms. E. Sullivan of the *NSW Crown Solicitor's Office* appeared to assist the Coroner and other appearances were Mr. Quinlivan of Counsel for Dr. An, Mr. I. Latham of Counsel for Paramedic Johnstone and Mr. Pike of Counsel for the other three paramedics involved in the matter, Mr. Nicholls of Counsel for Sgt. S. Bissett, Mr. R. Hood of Counsel for *NSW Police* and Mr. S. Rushton of Senior Counsel for the family. The *Officer in Charge* of the investigation is Detective Inspector R. Oxford *APM* but, for practical purposes, Detective Sergeant Virginia Gorman deputised for him in the presentation of the case to the Coroner. The formal documents being the *P79A Report*, the *Report of Death to the Coroner* provided by *Canterbury Hospital*, the *Identification Statement*, the *Autopsy Report* and the accompanying *Certificate of Analysis* prepared by the *Division of Analytical Laboratories* are jointly **EXHIBIT 1**. The Coronial Brief is **EXHIBIT 2**.

3. Those appearing at the inquest to give evidence included:-
 - Detective Sergeant Virginia Gorman;
 - Dr. Quoc Khanh An;
 - Mr. Adrian Salter;
 - Paramedic Karl Johnstone;
 - Paramedic Cheri Lutz;
 - Paramedic Meagan Coolahan;

- Constable Aaron Abela;
- Leading Senior Constable Leah Wilson;
- Sergeant Emily Metcalfe;
- Detective Sergeant Warren Brown;
- Detective Inspector Russell Oxford;
- Inspector S. Tedder.

Sergeant Bissett did not volunteer and I did not require her to give evidence.

Objections to the Coronial Brief

4. There were two matters raised regarding the Coronial Brief to which I should make special reference. The first was raised by Mr. Nicholls and related to the *Record of Interview* of Sgt. Bissett and her *walkthrough* conducted on 30 November, 2009. These were both *directed* but the view I took is that, leaving aside circumstances where material may be the subject of a valid claim of public interest immunity or legal professional privilege, there is no basis in law for the necessary exclusion of directed interviews from coronial briefs prepared by an officer of *NSW Police* on behalf of the Coroner except where the material was gathered for the purposes of the investigation of a complaint under part 8A of the *Police Act 1990*. There is no evidence of any relevant *complaint* in this case and I do not understand an inquest or the gathering of evidence for the purpose of an inquest to be the kind of *investigation* contemplated by Part 8A of the *Police Act 1990*. No such complaint was investigated here.
5. Rather, it seems to me that the material was gathered by police to assist the Coroner in the conduct of a mandatory inquest into Mr. Salter's death which, more likely than not, was its dominant purpose.
6. Further, I think the material is not inadmissible merely because it was *directed*. It was gathered by police officers who were subject the Coroner's power under section 51 of the *Coroners Act 2009* to give directions in order to assist the Coroner in the conduct of an mandatory inquest. If, as I think was the case, the dominant purpose for which the material was obtained was to assist the Coroner in his/her function and so long as it was not obtained for the purposes of investigating a complaint under Part 8A of

the *Police Act 1990*, then it could be admitted as evidence in the inquest subject to the ordinary rules applicable to the Coronial jurisdiction, namely that the evidence be relevant and that procedural fairness be accorded all concerned.

7. As to the matter raised by Mr. Hood, it was that *non-publication orders* be made regarding material contained in Tabs 42, 43, 44, 99, 100(b), 102, 102A and 102B of the Coronial Brief. Given that one of the legitimate purposes of an inquest is to enable the community to be informed of the cause and manner of the death of a fellow member of the community and given the importance of *open justice*, a *non-publication order* should be made only where a proper basis is clearly established and it should be directed with precision. At the time of Mr. Hood's application, much of the material the subject of the application had been available for only about ten minutes. I asked Mr. Hood to prepare a *Minute* pointing to the precise passages which he said warranted a *non-publication order* and, in the event, later in the proceedings, I was asked to and did make such an order restraining publication of the material contained in Tab 102 of the Coronial Brief and in paragraphs 7 and 9 of the statement of Sgt. Warren Brown to be found at Tab 100(b), page 1166(D) of the brief. I indicated that at the conclusion of the proceedings, I would remake those orders which are designed to maintain confidentiality with regard to certain police operating procedures.

The autopsy

8. The autopsy report prepared by Dr. Rebecca Irvine of the *Department of Forensic Medicine*, Glebe on 19 November, 209 records the cause of death as a "*gunshot wound of chest.*" Dr. Irving mentioned the stab wounds which Adam Salter inflicted on himself which she described as "*relatively superficial*" and "*not likely to have caused death.*"

Adam Quddus Salter

9. Adam Salter was the eldest child of Adrian and Lynn Salter and he had two siblings, a brother Noah born on 19 October, 1976 and a sister Zarin born on 15 March, 1982. On 26 November, 2001 at the Baha'i temple in Apia, Samoa, Adam Salter married Dorothy Taaed whom he had first met in about 1995. She was a Dutch national apparently without an Australian visa and was required to leave Australia in about

April, 2005. Initially, she went to the Netherlands but in January, 2008, her parents reported that she was living “*outside the Netherlands*” and that they had “*no communication access to her.*” Adam Salter initiated a separation and ceased sending her money in early 2006 and subsequently commenced divorce proceedings. Difficulties were encountered because Dorothy Taaed’s whereabouts could not be established and, in the event, a *decree nisi* for dissolution of the marriage was pronounced in the *Federal Magistrates’ Court* on 21 July, 2008. That decree became absolute on 22 August, 2008.

10. Adam Salter was a web designer by occupation. At the time of his death, he had been employed by a website design company, *Creagency*, in Rose Bay where he was engaged in developing a music streaming website “*Kazaa.*”
11. Adam’s father, Adrian Salter, provided the inquest with a good deal of personal information regarding his son who, professionally,” *was entering the most productive period of his life*” and who, he said, was respected by his peers “*world wide.*” Adam Salter was a “*champion*” of *open source software* and had contributed to *Github* which is a world repository of software intended to be available on a cost-free basis. He was expert in his field and, on one occasion, was featured by *Apple* as “*designer of the month.*” His employer at *Creagency* told Adrian Salter that there are people who have joined that business just so they would have the opportunity of working with Adam.
12. On a personal level, Mr. Salter said that his son had been liked by everybody who met him. He made friends easily and was personable, gentle and kind. Adam Salter was fluent in Japanese, an enthusiastic rock climber and a keen if, in his father’s view, not particularly accomplished student of the guitar. He was known for his laughter, his ready wit and his cheerful nature and he was, to quote his sister, Zarin, “*a genuinely great guy... ...loving, gentle and kind.*”
13. Mr Salter told the inquest that there were a number of stresses in Adam’s life but “*we could have got him professional help and he would have lived had it not been for the lethal gunshot.*”

14. Mr. Adrian Salter gave very extensive evidence to the inquest and was very closely questioned and it seemed to me that he was a most impressive witness, truthful and candid. My impression of him was of a most responsible and dignified man seeking no vengeance but, instead, seeking to ensure that the story of his son's death be faithfully recounted. He seemed to me to be content to acknowledge any uncertainty or mistaken impression which he might have harboured. I feel sure everybody involved in this inquest would join me in extending to him and to his family our heartfelt sympathy on Adam's loss and I am very confident to accept him as a truthful and clear sighted witness. In particular, I am grateful to him for the picture of his son which he painted for the inquest.

Mental Health

15. From time to time, Adam Salter consulted Dr. Quoc Khanh An, a general practitioner of Campsie. Some of those consultations related to physical conditions such as a skin complaint and, on another occasion, abdominal pain but some related to mental health issues. On 20 August, 2006, Adam Salter reported a history of lethargy for which Dr. An ordered various tests and prescribed *Efexor XR 75mg daily*. Then, on 18 July, 2008, Dr. An received word that Adam Salter had been admitted to the *Repatriation General Hospital, Concord "in relation to a psychiatric condition."*
16. It appears that Adam Salter had been a voluntary and, later, an involuntary patient and, on 18 July, 2008, Magistrate M. Price adjourned a hearing under section 34 of the *Mental Health Act 2007* to 1 August, 2008. Adam Salter was discharged from Concord on 30 July, 2008.
17. The *Discharge Summary* subsequently received by Dr. An discloses that Adam Salter had originally presented to the *Canterbury Mental Health Team*. Evidently he had been beaten after trying to remove *P-plates* from motor vehicles in the mistaken belief that he was a prophet of God. The document records that *"he appeared seriously thought disordered and had religious delusions"* and that he had complained of *"multiple stressors over the last several months"* including his divorce, conflicts between his parents and pressures at work. Mr. Salter had reported poor sleep, low mood, negative thoughts and depressed appetite. His parents joined in to report that they were very concerned for their son's safety, particularly when he was standing in

the middle of the road and attempting to stop cars “to deliver God’s messages to others.”

18. According to the *Discharge Summary*, it was when Adam Salter had become irritable and anxious in the ward, believing “that he should go back home because he had duties from God,” that he was made an involuntary patient and was started on *Risperidone 1 mg mane/2 mg nocte*. His diagnosis was “psychotic episode” and his follow up plan was recorded as “MHT and GP.”
19. On 7 August, 2008, Adam Salter presented at Dr. An’s surgery and was prescribed further *Risperidone 3mg nocte* which had been administered during his admission at *RGH Concord*.
20. On 27 August, 2008, Adam Salter provided Dr. An with a medical certificate from Dr. Luisa Ngedm of *RGH Concord* relating to the period 10 July, 2008 to 10 September, 2008 in which Dr. Ngedm noted psychotic symptoms, disordered thought and disorganised behaviour.
21. The follow up plan devised at *RGH Concord* proved to be of limited utility because Adam Salter seems to have taken little notice of it. After 27 August, 2008, his next consultation with Dr. An was on 16 November, 2009.
22. Nor was there any contact with the local mental health team until Zarin Salter prompted *Canterbury Community Health Team* to contact her brother which they did on 15 December, 2008. On that occasion, Adam Salter assured the team that he remained compliant with medication and had not experienced any symptoms of relapse. An appointment was made for him to see Dr. Rosa Gilandras, psychiatrist.
23. On 17 December, 2008, Adam Salter saw Dr. Gilandras having failed to keep his appointment two days before. He was assessed as suffering from a schizophrenic disorder with depression but he declined to commence a regime of the anti-depressant *Cipramil*. Dr. Gilandras scheduled a further appointment for 9 January, 2009 and noted that follow up should be undertaken every second day by *Acute Care Services* to assess risk of self-harm . On 19 December, the follow up plan was

changed to weekly calls and on 9 January, 2009, when Adam Salter saw Dr. Gilandras, he told her *"I'm not depressed. I'm not suicidal. I do not have intentions of harming others. I'm working full time. I eat well. I think of my ex-wife occasionally because I am puzzled as to why she left me. I also don't understand why I became psychotic. My only problem now is that I don't sleep at the same time. Sometimes I only sleep after midnight and wake up late during the day."*

24. On 11 March, 2009, Adam Salter failed to attend Dr. Gilandras by way of follow up but, when spoken to by the *Canterbury Community Health Team*, explained that he had forgotten his appointment because he was so busy at work and he reported that he was still well and had no symptoms. He failed to keep his next appointment scheduled for 20 March and there was no contact between the team and Adam Salter until 21 August, 2009 when he requested a certificate to the effect that he was no longer medicated or in counselling and, instead, was fit to be a counsellor of fellow Baha'i worshippers. This certificate was not forthcoming and Adam Salter was advised that he should consult Dr. Gilandras which, in the event, he did not do. There was no further contact between him and either the team or Dr. Gilandras.
25. Then, on 16 November, 2009, Adam Salter presented at Dr. An's surgery and provided a history of anxiety over the past week. According to his father, Adam had seemed stressed during most of that week. Evidently, he had spoken to his father about feeling a tightness in the stomach and feeling the need to ease his stress and he complained that a project he had taken on at work had escalated. At one point during that week, Adrian Salter said to his son *"Adam, you know, I think we should go to the hospital and I would like you to come with me to Canterbury Hospital, just to see. They might be able to help and just keep you over night"* but Adam Salter refused and said that he would prefer just to go to bed in his own room.
26. Dr. An's recollection is that, when he saw him on 16 November, 2009, Adam spoke calmly and politely and was not agitated but, due to the symptoms of anxiety which he said he was experiencing, Dr. An prescribed *Efexor XR 75my daily* which, he noted, had previously been used to good effect. At the same time, Dr. An advised Adam Salter that he be reviewed by the psychiatrists he had seen at *RGH Concord* and

keep in touch with the *Canterbury Mental Health Team* and he provided him with a brochure explaining the mental health services in the Canterbury area.

27. Early in the investigation some questions were raised regarding the efficacy of *Efexor* and whether it might have played any role in Adam Salter's ultimate affect and behaviour. Professor Starmer's evidence to the inquest is that it is not possible to express a firm opinion on this aspect of the matter and there I think it must rest.

17 November 2009

28. It seems that Adam Salter's mental state deteriorated quickly after his visit to Dr. An. On 17 November, a colleague drove him home from work and there was a text message on his phone from a friend, Elton, to the effect that he was unwell. When he got home, he was acting strangely and he advised his father that he had left his tablets, presumably his *Efexor XR*, at Rose Bay. Adrian Salter was sufficiently concerned to drive from Lakemba to Rose Bay to retrieve them. He watched his son take an *Efexor XR* tablet that night.

18 November, 2009

29. Next morning, 18 November, 2009, Adam Salter and his father met at breakfast at about 7am. His father thought he was much improved after the *Efexor* tablet and a good night's sleep. Gone was the trancelike affect Adrian Salter had noticed in his son during the previous day when Adam seemed to stand and stare and not respond when spoken to. There was some discussion between father and son about disassembling a bed and, when Adrian Salter went into his home office at the front of the house to attend to correspondence, he thought all was well. Shortly after, though, he came out of his office and met his son who was speaking very slowly and appeared dazed and Adam agreed with his father's suggestion that he see his specialist that day.
30. Adrian Salter went back into his office to check the phone number of the specialist and he heard a strange noise, described as "*a cough, gargle or a gurgling type cough*" coming from the kitchen. When he went to investigate, he found his son standing by the sink with blood coming from the centre of his chest. Adam was holding a heavy kitchen knife with a wide, six inch long blade in his right hand and he

had apparently stabbed himself. Adrian Salter said *“Adam, don’t do this. Don’t do it. Please stop”* and Adam answered *“I have to.”* When his father tried to take the knife from him, Adam Salter resisted and tried to stab or cut himself as they wrestled. Finally, Adrian told his son that he was hurting him and Adam relaxed and allowed his father to take the knife which was placed in the sink.

31. Adam was now bleeding profusely from a wound slightly to the left of the centre of his chest and when he took a breath, a flap of skin came out suggesting that the lung may have been injured. Adrian Salter helped Adam onto the floor against a cupboard, sitting him up straight, hoping to prevent bleeding into the lungs. And then he dialled *000* and spoke to the Ambulance Service.

32. On advice, Adrian Salter applied pressure to his son’s wound, using a tea towel. Adam Salter was talking but not making sense except on one occasion when he asked how long the ambulance would be. Adam was hugging his father who maintained pressure on the wound. At some point, Adrian Salter got off the floor and darted over to the front door to open it so that ambulance officers could gain entry to the house once they arrived and, when he returned to the kitchen, Adam Salter was standing up and moving towards the sink where the knife was lying. Adrian Salter stopped him by putting his arms around him and said *“Adam, come on. Don’t do this. You know, just wait for the ambulance. Come on, just sit down again.”* It took a few moments to get Adam to the ground and, at one point, Adrian Salter rushed into the sitting room to retrieve a cushion so as to make his son more comfortable. They sat on the floor with Adrian Salter’s arm around him and Adam hugging his father and that is the position they were in when the ambulance arrived.

Response Times

33. Records indicate that Adrian Salter’s *000* call was received at *Newcastle Control* at 8.39.24am. Paramedic Karl Johnstone acknowledged the call at 8.44am and he and Paramedic Clements arrived at 33 Wangee Rd., Lakemba at 8.51am, a little less than 12 minutes after the call was first received. Police assistance was sought at 8.49am and the call went out on *VKG* at 8.50am. *Campsie 35* consisting of Snr. Constable Leah Wilson and Constable Aaron Abela and *Campsie 14* with Sgt. Sherree Bissett and Leading Snr. Constable Emily Metcalfe responded. Officers Bissett, Wilson and

Meredith were experienced police officers and Mr. Abela was newly out of the *Police College* with about six months experience. *Campsie 35* arrived at the Salter residence at 8.55.31 am and *Campsie 14* arrived at 8.57.17am.. At 9.00am a second ambulance containing Paramedics Cheryl Lutz and Meagan Coolahan arrived at the premises. It seems to me that one could not be critical of the response times of either the Ambulance Service or Police.

The ambulance

34. Two paramedics, Karl Johnstone and Belinda Clements, walked straight into the kitchen as soon as the ambulance arrived. One cut off Adam Salter's shirt and the other, Mr. Johnstone, went to the sink, inspected the knife, put it back in the sink and announced to his colleague "*it's a wide blade.*" They asked a few questions and Adrian Salter confirmed that Adam's wound was self-inflicted. Adam Salter was lying on his back and the paramedics placed a pad
35. on his wound and a bandage around his chest. They gave him oxygen and were still treating him when police officers Wilson and Abela entered the kitchen some two to five minutes later. At 9.00am Paramedics Coolahan and Lutz arrived and, as an intensive care paramedic, Ms. Coolahan assumed the major role in Adam's care.

The Police

36. On the morning of 18 November, 2009, Sgt. Sherree Bissett was the shift supervisor at Campsie police station with responsibility for the running of the outside car crews. Ms. Bissett subsequently told her superiors that the call to 33 Wangee Road, Lakemba "*came over as a priority 2*" and was announced as "*something along the lines of male committing self harm, I think with a knife... .. Trying to kill himself.*" A car crew consisting of Senior Constable Leah Wilson and Constable Aaron Abela acknowledged the call and Ms. Bissett and Leading Senior Constable Emily Metcalf went "*to back them up.*"
37. Ms. Bissett was equipped with her gun, baton, handcuffs. OC spray, spare magazine, torch, baton and, once she determined to respond to the job, her *taser* which was hung on her appointments belt in a holster. There are two *tasers* at Campsie police station, kept in the gun room in a separate safe, available to officers of Ms. Bissett's rank and function.

38. Ms. Bissett drove *Campsie 14* with Ms. Metcalf as her passenger and, when they arrived at 33 Wangee Road, Lakemba, the other police car had already arrived and Leading Senior Constable Wilson was waiting outside the house. She told Ms. Bissett that Adam Salter had stabbed himself with a knife which was now in the sink and that he and another male (whom we now know to have been Adrian Salter) were inside with the paramedics and that *"the ambos are working on him."* Ms. Bissett ran straight through the front door and into the kitchen, accompanied by Metcalf and Wilson. Constable Abela was already in the kitchen. Adam Salter was supine on the floor and a paramedic (who, I think, was Ms. Coolahan) was kneeling down beside him treating him. According to Sgt. Bissett, Adam Salter *"was covered with blood"* and there were pools of blood on the floor and blood on the door and walls.
39. In her record of interview of 18 November, 2009 Ms. Bissett says that, on arrival, she had a look at the knife in the sink but, evidently, she did not seek to remove it or confiscate it. Ms. Wilson spoke to Adrian Salter in an adjoining room. Ms. Bissett sent Ms. Metcalfe and Mr. Abela upstairs and then out the back *"to clear the house."* Adrian Salter, then in the kitchen, recalls hearing a police officer ask *"is it secure?"* and another say *"Yes, it's clear out the back."* Then, for reasons which are not clear, police led Adrian Salter out of the kitchen and into his adjoining home office. Perhaps there were good reasons for that but it seems likely to me that Adrian Salter's presence was probably a comforting and reassuring one for his son and it might have been better not to separate them.
40. Once that was done and after she had established that the paramedics did not need a hand and having observed that Adam Salter *"was not responding, wasn't moving didn't seem as a threat at all,"* Sgt. Bissett, accompanied by Metcalfe and Wilson, went outside, *"out of earshot,"* leaving Probationary Constable Abela standing somewhere near the refrigerator and the door of the kitchen on the right hand side of the room looking towards the sink, to remain where he was so as *"to keep an eye on"* Adam Salter. At the same time, Ms. Bissett reminded Abela that the knife was still in the sink.

41. The three female police stood on the front porch discussing the situation. They saw another paramedic returning to the kitchen with a stretcher.
42. While Adrian Salter was out of the room and perhaps because he was out of the room, Adam Salter unexpectedly sat up, was gently restrained by paramedics, lay back down and then suddenly sprung up off the floor and headed for the sink. Adrian Salter rushed back into the kitchen and said *“no Adam. No, don’t. Don’t do this. It’s hurting me. Don’t.”* He put his arm around his son but, when Adam pushed him, the older man slipped and fell over backwards and lost his grip of his son as he fell to the floor. Ms. Coolahan’s impression is that Adrian Salter may have tripped over some of the medical equipment as his son brushed past him.
43. The *Patient Health Care Record* completed later that morning by Paramedic Coolahan records Adam Salter suddenly becoming *“aggressive +++”* but, according to Ms. Coolahan, that aggression seems to have been limited to *“fighting everyone and lunging forward to get to the sink. Like, I’m going to get there no matter what.”*
44. According to Paramedic Johnstone who countersigned the *Patient Health Care Record* and, in that sense, endorsed the description of Adam as *“aggressive +++,”* the aggression consisted of Adam getting up off the floor quickly and unexpectedly, brushing people aside when they sought to restrain him and pulling off leads and cables as he sought hurriedly to disentangle himself from the medical equipment, leads and cables and make his way to the sink. Mr. Johnstone was able to say that, although Adam Salter was moving his arms around, there was no punching and he added that, when Adam pushed his father out of the way, it was not really a push or a shove but he merely brushed him aside.
45. In recalling the scene, Paramedic Karl Johnstone described Adam Salter as *“suddenly becoming aggressive plus, plus, plus, that means very aggressive...”* but, as in Ms. Coolahan’s recollection, he recalls the *aggression* as limited to the speed, agility and unexpectedness with which Adam Salter jumped up, his *“lunging at the kitchen sink...”* in order to get to the knife, his pushing his father to the floor when he tried to stop him and his self harm. Despite the description *“plus, plus, plus,”* there seems not to have been any general aggression and there is no suggestion of Adam Salter turning his attention to police or paramedics. Instead, in Mr. Johnstone’s

recollection, he seems to have been intent on harming himself. Mr. Johnstone told Police that when Adam Salter sprung to his feet, *“his arms were flailing around, however, I, I, I don’t think he was specifically trying to punch me or push me away or anything like that, however his arms were flailing around... ..When he initially grabbed the knife out of the sink um, yes, I was in fear of my safety, that’s why I’ve backed away, backed off him straight away. I didn’t um, as soon as he grabbed the knife, I just backed off.”*

46. When she was asked to assess the degree of danger presented by Adam Salter, Paramedic Coolahan, described *“a highly charged situation”* but she told the inquest that Mr. Salter was not threatening anybody and that, even when the words *“taser, taser, taser”* were called by Sgt. Bissett, all that was happening was that Adam Salter was intent on stabbing himself and was in no physical contact with anybody and Ms. Coolahan thought that he posed a danger only in the sense that, if he changed his mind and turned his attentions on anybody else, they might have then found themselves in a vulnerable situation.
47. According to his father, *“Adam was perhaps flailing his arms in order to get to the sink but he was not punching anybody.”* As he made his way towards the sink, Paramedic Johnstone and Paramedic Coolahan sought to restrain him, Johnstone by standing in front of him with his palms on Adam Salter’s chest and Coolahan by standing behind him with hand on shoulder but they too were brushed aside as he lunged for the sink.
48. According to Ms. Coolahan, with whom Paramedics Johnstone and Lutz agree, *“police were requested to come back into the room urgently.”* In fact, Ms. Coolahan told the inquest, she made three separate requests for police assistance as she worked on Adam Salter. The first request was directed to Probationary Constable Abela as he stood near the refrigerator and the door, trying to pull on his glove. Adam Salter was still on the floor having unexpectedly sat up and Coolahan was beside him. She says Abela was facing them but did not move from his position and did not respond to her request. According to Paramedic Coolahan, her second request for police assistance which, she says, she made as Adam was *“in the process of getting up,”* was her loud call *“Can we get a hand here?”* Her evidence is that this was directed, not just to Probationary Constable Abela who, she says, made

no answer, continued putting on his glove and otherwise did not move, but also to police officers outside the kitchen.

49. Ms. Coolahan's third call for police assistance was uttered as Adam Salter neared the sink and regained possession of the knife and, on that occasion, she yelled "*Can we get the f***** cops in here.*"
50. Then, according to Sgt. Bissett, "*the ambo is screaming we need help in here.*" I think the *ambo* in question was Paramedic Coolahan who, Ms. Lutz recalls, "*very vocally*" and "*using a few choice words,*" called for "*some more f***** police in here right now.*"
51. Police ran up the short hall way and into the kitchen in single file - officers Bissett, Wilson and Metcalfe. Sgt. Bissett was the first police officer into the kitchen in response to that call with Wilson and Metcalfe following her in that order. By that stage, Adam Salter was standing at the sink, either facing directly into the sink or turned towards the right at an angle of up to 45 degrees and he was stabbing himself in the neck. According to Sgt. Bissett in her recorded interview of 18 November, 2009, "*...I saw as I was running in, I saw the male was standing up and moving towards the sink. Abela was on his left side and there was an ambo on his right. And then I went and stood in the kitchen.*" In her *walkthrough* on 30 November, 2009, Ms. Bissett said that, on entering the kitchen, she saw Adam Salter at the sink "*and he's got the knife in his right handand Aaron is wrestling him.*"
52. No civilian witness has given evidence of Adam Salter and Probationary Constable Abela wrestling and neither is there any reference to it in the *P79A* Report. But, in the *walkthrough* in which she participated on 30 November, 2009, Sgt. Bissett said that, as she entered the kitchen in response to Paramedic Coolahan's call, she saw that Probationary Constable Abela had hold of Adam Salter "*on his left side.*" Confronted, as she alleges, with Adam Salter, knife in hand, struggling with Mr. Abela, she says "*I thought 'I'll jump in'*" but then hesitated, deciding that it was too dangerous. But, she says, Adam Salter and Abela were still struggling, moving around, getting closer to her. She says "*at that stage, (the knife) just swung around towards him (Abela) so I*

thought he was going to stab him and kill him... ...so I've just drawn my gun, gone 'taser, taser, taser'and so I shot him..."

53. The evidence of Paramedic Coolahan is that, far from entering the kitchen, assessing the situation and then making a decision to use her firearm rather than her *taser*, Sgt. Bissett had already drawn her firearm before she entered the kitchen and that, when she entered the kitchen, she was holding out her firearm in front of her, arms extended and in both hands, shoulder high.
54. Sgt Bissett's explanation for calling "*taser, taser, taser*" was that "*...prior to going to the job, I was thinking that I might need to use it*" ... *...just from the initial information that he was a schedule and he was armed and he was doing self harm.*" She made it clear in her statements to police that, in fact, there was no mistake involved and that she did not intend to draw the *taser* and she explained "*I didn't use the taser because I thought the guy was going to stab Abela and I didn't think that the taser would work. I used the gun because I thought that he was going to stab Abela, I thought he was going to kill him.*" When asked why she didn't think the *taser* would work, Ms. Bissett replied "*Because of the space, the confined space, because Abela was on him. I've already tasered someone and it didn't work. I don't think that the taser is so accurate. For the taser to work both prongs have to go in and, if one prong misses, it's not effective. Plus, if both prongs have gone in, depending on the movement, the wires are so thin that they can break anyway. If they break, it doesn't work so he could still stab him and they were still moving. The guy and Abela weren't standing still. I drew my firearm and I shot the guy on the right side. I shot him on the right side because Abela was to his left and I didn't want to hit Abela.*"
55. Asked to amplify the interaction of Adam Salter and Probationary Constable Abela, Ms. Bissett said "*I saw that Abela was struggling with the male. The bloke is at the sink, facing it, and Abela was to his left and standing side on to him. I don't remember where Abela's left arm was but I saw that he was using his right hand to hold on to the male's upper left arm. I think he was trying to pull him away from the sink. I saw the knife in the bloke's right hand. The guy was moving like he was struggling with Abela. The male picked up the knife with his right hand. He was holding the knife by the handle and he has moved towards Abela. His right side was*

coming around with the knife... ... (the blade) was pointing in the direction of Abela (and I was thinking) that Abela was about to be stabbed.”

56. In the recorded *walkthrough* in which she participated with Detective Inspector Oxford and others, Ms. Bissett demonstrated Abela as standing behind and to left side of Adam Salter, locked in a close embrace – Mr. Rushton called it a “*bear hug*,” as they struggled. In her police notebook, Leading Senior Constable Wilson recorded that, as Adam Salter approached the sink, “*Cst Abela moved towards the POI*” and as Adam picked up the knife from the sink, “*Cst. Abela tried to restrain the POI’s (L) shoulder...*” and she told the inquest that she saw Adam Salter brandishing the knife towards Abela and Abela “*struggling with his upper left side.*”
57. It is Ms. Wilson’s evidence that Adam Salter, holding the knife in his right fist, was twisting his body towards the left so that his right arm moved around and the knife was pointed at Mr. Abela and then back towards the right in a downwards motion. She understood this, she told the inquest, to be an attempt by Adam Salter to stab Probationary Constable Abela.
58. When she first entered the room, Leading Senior Constable Metcalfe says, she saw Abela standing near the sink, holding Adam Salter by the left shoulder. She did not see the knife in Adam Salter’s hand and neither did she see any indication that he was stabbing himself or trying to stab Mr. Abela. Instead, her recollection is that, rather than turning to Mr. Abela on his left, he seemed to be turning to his right.
59. Mr. Abela’s version of the event is that, as Adam Salter suddenly got up, he, Abela, walked quietly towards him. He says that, as Adam Salter moved to the sink, he also moved towards the sink and tried to stop Adam Salter by stretching out his right arm. Mr. Salter “*got through*” him so Mr. Abela, standing behind him, took hold of his left arm and pulled, trying unsuccessfully to pull Mr. Salter away from the sink. Here there was no suggestion of a close embrace or a bear hug – the physical contact described was Abela’s hand or hands on Mr. Salter’s arm. It was then, he says, that he saw Adam Salter’s hand lift the knife from the sink so he let go of the arm, stepped back and, turning right, saw Sgt. Bissett in the room, pointing her gun.

60. According to Paramedic Johnstone, when Adam Salter sprung to his feet to grab the knife, there was at least one and possibly two police officers in the room and *“there was a lot of yelling... ..not necessarily yelling but raised voices.”*
61. Mr. Johnstone’s recollection mirrors that of his colleague when it comes to *“one police officer yelling ‘taser, taser, taser’ but shooting the patient in the back at close range.”* Like Ms. Coolahan, Mr. Johnstone is unaware of any words spoken to Adam Salter other than *“taser, taser, taser.”* No paramedic heard a warning, *“drop it”* being uttered.
62. Paramedic Cheri Lutz accompanied Ms. Coolahan to the premises at 33 Wangee Road and was present when Adam Salter sprung up from the floor. She too describes him as *“quite agitated and aggressive”* and *“lunging around the room”* and going *“ballistic”* or, as she later said, *“nuts.”* She offered as an explanation that *“sometimes people when they’ve lost blood, are obviously not thinking rationally.”* Her recollection is that *“He just sat up and I think they sort of said, you know, ‘you need to lie down, lie down.’ And he just got up and started swinging his arms around and um, was slipping over on the floor and was grabbing at things, and just pushing people away, and just sort of, um, pretty much out of control. Whether he knew what he was doing or not, I don’t really know.”*
63. Ms Lutz recalls that, when Adam Salter grabbed the knife out of the sink, *“he started stabbing himself in the throat probably three or four times.”* She recalls police officers – she can’t recall how many - then re-entering the room *“...and to my right I heard someone yell ‘taser’ in a loud voice. And then, shortly after that, there was a loud bang... ..and then the guy dropping to the ground.”* Like her colleagues, Ms. Lutz recalls no words other than a female voice yelling *“taser”* but, unlike paramedic Coolahan, she does not recall seeing the gun.
64. Ms. Lutz emphasised the speed with which everything happened. Her recollection is that, at the moment he was shot, Adam Salter was still intent on self-harm. He was *“sort of still in the process... ..I mean he might have been waving the knife around a bit but he was, it was almost like he was still stabbing himself... ..It was the shot, whatever it was, that actually stopped him. So, I don’t think, there was, if he stopped*

before he was shot, it wasn't a very long time. Like it wasn't like he sort of lunged at anybody or did anything like that. It was almost like he was stabbing, stabbing, bang and then down."

65. Questions which spring to mind regarding those few minutes – some witnesses described them in terms of seconds – in the kitchen at 33 Wangee Road, Lakemba include these. Was there a struggle between Adam Salter and Probationary Constable Abela and were they in physical contact? What, if any, danger did Adam Salter pose to anybody but himself? Did Ms. Bissett really assess the situation while in the kitchen and then decide to use her *Glock* or had she already decided to do so before she entered the room? Why, in the circumstances, did she use her *Glock* rather than her *taser*? And given that she used her *Glock*, why did she call “*taser, taser, taser?*” These matters are important because it is largely her claim that she perceived Mr. Abela as being in danger of being stabbed that Ms. Bissett cites as justifying her decision to shoot Mr. Salter.

Difficulties with the police version of events

66. There are several difficulties with the police evidence regarding these matters. In the first place, the three female officers would place Abela much closer to Mr. Salter than would Probationary Constable Abela himself who described himself as pulling Mr. Salter's arm and more or less at arms length from him. By contrast, Ms. Bissett has them in a close embrace, a *bear hug*, as she demonstrated in her *walkthrough*. It seems to me that the state of Mr. Abela's clothing worn at the time, which is **EXHIBIT 11**, is more significant for what it fails to show than for what it does show and I think it lends no support to the version of officers Bissett, Wilson and Metcalfe. His uniform *cargo pants* show what apparently is some blood droplets which may have been acquired when Adam Salter was shot or when Mr. Abela assisted paramedics in lifting and carrying him outside to a waiting stretcher or at some other time. It is not possible to say. More significantly, the front of his shirt is free of any blood stains and there are some blood spots on the back of the shirt at the top left and the left sleeve. I cannot say how those bloodstains came to be on the shirt but it seems to me that, had Mr. Abela been in as close a physical embrace with Adam Salter as Ms. Bissett says he was, the blood staining on the shirt might have been heavier and more extensive. The photographs of Adam Salter, admittedly taken after he had been

shot, show that he was covered in a great deal of blood and evidence of almost everybody present is that, even before he was shot, there was a great deal of blood from his earlier wound. Indeed, Probationary Constable Abela himself, writing in his official police notebook **EXHIBIT 7**, recorded that Adam Salter was “*covered in blood on arrival*” and Sgt. Bissett described him in the same terms when speaking to Inspector Oxford.

67. Much of the police evidence regarding the physical exchange between Probationary Constable Abela and Adam Salter directly contradicts the evidence of other witnesses present at the scene, notably Adrian Salter and Paramedic Coolahan. According to Adrian Salter, Adam Salter was standing at the sink when he recovered the knife and was stabbing himself. Two or perhaps three paramedics were present in the room as was Probationary Constable Abela who, he says, was standing near the refrigerator while Adrian Salter himself got up from the floor where he had fallen as his son had brushed past him. Mr. Salter says that he was focussed on his son who, he says, was not being held by anybody. “*I don’t think he was being held...*” he told the inquest “*...I’m sure he wasn’t. A source of surprise was why he wasn’t being held. Alone in a room full of trained people, I was the only person holding him.*” Mr. Salter told the inquest that “*when police first arrived I thought that Adam is in good hands but when he got up and went to the sink, nobody tried to intervene.*”
68. None of the paramedics agrees with the police evidence of Probationary Constable Abela holding let alone struggling with Adam Salter. Mr. Johnstone recalled no physical contact between them and he told the inquest that, while Adam Salter was at the sink, Constable Abela maintained his stance near the refrigerator. Asked about Adam Salter stabbing or trying to stab Abela, Paramedic Lutz told the inquest that there was no such threat and that nobody was near Mr. Salter as he stabbed himself and, in particular, that Mr. Abela was well away from him.
69. Paramedic Clements was not in the room at this time but Paramedic Meagan Coolahan certainly was and she told the inquest that at no stage up to the point when the shot was fired did she see Adam Salter and Probationary Constable Abela engage in any physical contact and that at no time was her sight of Adam Salter obscured. She told the inquest that, while he was at the sink stabbing himself,

perhaps four times, Adam Salter rotated his body clockwise but, even then, Mr. Abela remained in his position about a metre away. Her evidence is that, while he was at the sink, Adam Salter was not threatening anybody but himself.

70. There are other aspects of the police officers' recollections of what went on in the kitchen at the time of the shooting where they are plainly wrong. One of these involves the presence in the kitchen of Mr. Adrian Salter at the time of the shooting. On his version, which I accept, Adrian Salter ran into the kitchen as soon as his son stirred and got up from the floor and was in the kitchen and remained there after he himself fell to the floor and was present in the kitchen when his son was shot. That evidence is supported by the paramedics. On the other hand, Mr. Abela told the inquest that he cannot recall Adrian Salter intervening to stop his son get to the sink and indeed cannot recall Adrian Salter's presence in the kitchen at the time of his son's shooting. It seems to me that, if Mr. Abela were paying attention and participating in restraining Adam Salter, he could hardly have missed seeing Adrian Salter.
71. Probationary Constable Abela made notes of the events of 18 November, 2009 in his official police notebook which is **EXHIBIT 7**. His evidence is that he made these notes after he had returned to Campsie Police Station that morning. He says he made the notes before discussing those events with anybody else. Curiously, he wrote the words "*Critical Incident*" in the margin of each page although, initially, he told the inquest that he did not know what those words meant – something which may suggest that somebody who did understand what those words meant had a word with him at some stage in the process. At a later stage of his evidence, he told the inquest that he had understood the meaning of the words "*Critical Incident*" having heard them used previously in relation to another police shooting. Initially Mr. Abela was unable to explain to the inquest why he wrote those words in his notebook which, he said, he entered after the notes were written and after he was interviewed by his superiors on 18 November, 2009 but, ultimately, he said that the purpose of the entry, in the absence of a *COPS* event number, was to mark the notes for ease of reference. He told Mr. Rushton of Senior Counsel that he had been aware of the importance of his notes in any investigation into Adam Salter's death.

72. Probationary Constable Abela's notebook entry records some of the events of 18 November, 2009 although, apparently, without any attempt to list things chronologically. One matter that is not mentioned in the notebook is any attempt by Adam Salter to stab or otherwise attack him and neither is there any reference to Mr. Abela wrestling or struggling with Adam Salter or being in particularly close physical contact with him or being threatened by him. The closest Mr. Abela's notes come to corroborating Ms. Bissett's evidence regarding his physical interaction with Adam Salter is the entry reading "*as male was rising went to assist ambos.*"
73. I am unable to see Leading Senior Constable Wilson as a reliable witness regarding the events in the kitchen when Adam Salter was shot. I note that Ms. Wilson has Adrian Salter absent from the kitchen and, instead, in the home office at the time of the shooting and I note further that she has Sgt. Bissett, before calling "*taser, taser, taser*" and shooting Adam Salter, providing a warning to him and inviting him to avoid trouble by calling "*drop it, drop it*" – something that nobody else heard and not even Ms. Bassett herself alleges. Ms. Bissett has not given sworn evidence in these proceedings but Ms. Wilson's evidence relating to the alleged warning "*drop it, drop it*" is contrary to what the sergeant said in her recorded statement and during the *walkthrough*. There Ms. Bissett stated that "*he (Adam Salter) made it to the sink. He grabbed the knife with his right hand and Abela was holding on to his left arm, he was on his left side. I shouted 'taser, taser, taser' but Abela was too close to him and I've drawn my gun and he's turned with his knife towards Abela. And so I shot him there in his right rear shoulder blade area.*" During the *walkthrough*, she was asked "*But you've said 'taser, taser, taser' and then was there a pause or simply, just, you, you fired straight away?*" to which Sgt. Bissett replied "*No, I fired straight away.*"
74. I am not aware that Sgt. Bissett made any notes regarding the incident in her police notebook and Ms. Metcalfe told the inquest that she made no notes herself.
75. It is Paramedic Coolahan's evidence that, when officers Bissett, Wilson and Metcalfe entered the kitchen, Sgt Bissett already had her firearm in both hands, arms extended at shoulder height. Ms. Coolahan says she saw a female police officer, clearly Ms. Bissett, enter the room, her arms extended in front of her, holding what looked like a black gun in both hands. She heard that officer yell "... *'taser, taser, taser'**but*

shooting the patient in the back at close range.” When asked by police, Ms. Coolahan suggested a range of probably one but possibly up to two metres. This uncontradicted evidence would strongly suggest that Ms. Bissett made a tragic mistake, intending to use her *taser* but, instead, firing her *Glock*. If, to the contrary, Sgt. Bissett really did intend to use her *Glock* as she says had long been her intention, then the fact that, on Ms. Coolahan’s evidence, she drew that weapon before entering the kitchen suggests to me that she gave herself very little opportunity to assess the situation and decide whether lethal force really was necessary.

76. At pages 21 to 25 inclusive of her *walkthrough*, Ms. Bissett explained why she did not choose and could not safely have chosen her *taser* rather than her gun when dealing with Adam Salter. She was trained in the use of the *taser* in November, 2009. That training consisted of *“lectures, an exam and then simulation training where you have a scenario and you use the taser.”*
77. The *taser* works by firing at least two cables, each tipped by a little barb or a number of little barbs which have to enter the body of the person to be subdued in order to complete an electric circuit. If only one barb-tipped cable finds its mark so that the circuit is not completed, the *taser* will be ineffective unless the operator is able to *“drive stun”* the person to be subdued. *Drive stunning* takes place where the *taser* is placed against the skin of the target person so that an electric circuit is almost guaranteed, and then fired but this requires the person operating the *taser* to get into very close range of the person to be subdued.
78. Sometimes, although not often where the *drive stun* technique is employed, the person operating the *taser* may miss the target and sometimes the barbs will fail to enter the body of the target person and instead get caught up in his or her clothes. This is called *“a clothing disconnect.”* Given that, on Sgt. Bissett’s evidence, Mr. Salter was being held by Mr. Abela and had his back to Ms. Bissett so that she could get in at very close range and given that he was wearing only shorts so that the barbs were unlikely to be caught up in his clothing, one would have thought that Adam Salter presented a very favourable target for a *taser*.

79. It seems likely that at the critical time Ms. Bissett intended to use her *taser* and, in the event, made a mistake but, if that be not the case and she always intended to go for her gun, it is difficult to see that she gave the use of a less deadly alternative any real consideration.
80. I think it is clear that the only *conversation* between Ms. Bissett and Adam Salter were the words "*taser, taser, taser.*" Why Sgt. Bissett used those words is a mystery. One might have thought that they were intended as a warning to Adam Salter but, to the contrary, Sgt. Bissett explained at Q 213 of her *walkthrough* that those words "*are to let other police know that you're using the taser,*" presumably to warn them to get out of the way and avoid unintended electrocution. Or one might have thought that they indicated a momentary confusion – that Ms. Bissett meant to fire her *taser* but mistakenly fired her gun instead. But her evidence is that such is not the case. I note that the *taser* and the *Glock* could not easily be confused with each other. The *taser* is bigger than the *Glock* and is a bright yellow in colour. Further, it may be significant that a *taser* usually hangs from a police officer's appointments belt on left hand side and a *Glock* on the right. At any event, Sgt. Bissett made it plain on both her statements that she had made no mistake and had intended the use of the firearm.
81. Paramedic Coolahan's evidence is that she did not hear Ms. Bissett or anybody else utter the words "*Drop it. Drop it.*" Nobody other than Ms. Wilson - not even Sgt. Bissett herself, remembers those words being used and I am satisfied that they were not.
82. For those reasons, I think it is more likely than not, firstly, that no warning was given other than the words "*taser, taser, taser*" (if they constitute a warning), secondly, that Sgt. Bissett made a mistake, intending to use her *taser* but, instead, firing her *Glock* or, if that be not the case, gave little if any consideration to enhancing Adam Salter's chances of survival by employing her *taser* rather than her *Glock*, thirdly, that Probationary Constable Abela was not in close physical contact with Adam Salter until at least after the latter was shot and, fourthly, that neither Mr. Abela nor anybody else was in any particular danger from him. Indeed, I prefer the evidence of Adrian Salter and the evidence of Paramedic Coolahan who told the inquest that, once Adam

Salter reached the knife and stabbed himself, she was aware that he posed no threat to anybody other than himself.

83. I note the evidence of Paramedic Lutz that *“I personally didn’t feel to be in danger... ..I didn’t feel threatened by him... ..there no indication of him seeking to threaten anyone else.”*
84. Even if these assessments of Ms. Coolahan and Ms. Lutz were overly optimistic, it is more likely than not that Probationary Constable Abela was never in danger because he was never sufficiently close to Adam Salter to be in danger. Further, although the evidence on the topic comes from only one source, Ms. Coolahan seems very certain that Ms. Bisset’s firearm was already drawn at the time she entered the kitchen.

The Death of Adam Salter

85. Adrian Salter told the inquest that he saw his son standing up and stabbing himself and then somebody cried *“taser”* followed by a loud bang. *“The next thing I saw,”* Adrian Salter told police in his *ERISP*, *“was Adam going over backwards, stabbing at his throat with the knife.”* Adrian Salter could see a wound to the throat with blood pouring out of it and Adam was lying on the floor with the knife still at his throat and he was jerking the knife into the left side of his throat, underneath the jaw and Mr. Salter *“...grabbed it. I said ‘Adam,’ and I grabbed his wrist and tried to stop him and then people grabbed me and pulled me away.”*
86. Ms. Coolahan recalled that, on being shot, Adam Salter *“dropped to the ground and went into cardiac arrest.”* On examination he was initially 10 on the *Glasgow Coma Scale*, tachycardic, tachypneic with decreased breath sounds and, Ms. Coolahan thought, a lung was filling with blood.
87. Adrian Salter was removed from the room and he watched as Adam, on a stretcher, was placed into the ambulance and sent off to *Canterbury Hospital*. Adam Salter arrived at the hospital at 9.17am in cardiac arrest and life was pronounced extinct by Dr. Marta Malkiewicz at 9.19am on 18 November, 2009.

Police response - The P79A

88. The original report of this fatality to the Coroner is constituted by the *P79A Report* signed by Constable D. Bozakis of Burwood Police. A *P79A* is the document which ordinarily goes to the State Coroner or her deputy and to the pathologist carrying out a *post mortem* examination of the deceased. At page 2 of her *Autopsy Report*, Dr. Irvine mentioned that “*police attempted to convince (Adam Salter) to surrender his weapon but he refused to comply and charged an officer.*” This is information which, I suspect, she gleaned from the *P79A* which recites, under the heading “*Narrative of Circumstances Under Which Death Took Place*”, that “*the deceased was challenged several times by Police to drop the knife, refusing to do so. The deceased lunged the knife at Police.*” Those statements were simply not true. In cross-examination, Det. Sgt. Gorman, the case officer and, effectively, the deputy to the *Officer in Charge*, Detective Inspector Oxford, agreed that neither of those representations is true. Nobody other than Leading Senior Constable Wilson has recalled any conversation between police and Adam Salter or any “*challenge*” to drop the knife but, rather, the *civilian* evidence seems to be that, almost immediately upon entering the room, the fatal shot was fired. Evidently they misled the pathologist and, perhaps as importantly, they had a potential to mislead the Coroner.
89. Further, apart from those false and misleading allegations, the *P79A* document makes no reference whatsoever to police providing a warning or attempting to deal with Adam Salter by any means less intrusive than shooting him and nor is there any reference to the words “*taser, taser, taser*” being uttered. Perhaps the author of the *P79A* was unaware of the details of this incident but the fact remains that, in this regard, the report is a most unsatisfactory, not to say potentially misleading, document.

Police Response – The SITREPS

90. Four *Situation Reports*, known as *SITREPS* found their way into evidence as **EXHIBIT 15**. The earliest was composed at 12.20pm on 18 November, 2009 and was signed by Inspector Matt Hanlon who, I was told, is on extended sick leave from *NSW Police* and unavailable to give evidence at the inquest. That document recites that “*Police assisted the ambulance officers in restraining the POI. However, the POI was able to momentarily break free from their grasp and reach for the kitchen knife*

that had been secured on the kitchen bench. The primary police officer Sgt. Sheree Bissett challenged the POI to drop the knife on several occasions. The POI did not comply and began to counter towards the officers whilst armed with a knife...

91. This description was almost entirely wrong. Police did not assist ambulance officers in the restraint of Adam Salter as he sought to get up off the floor. They were not *grasping* him so that there was no question of him *breaking free of their grasp*. The kitchen knife had not been secured but, instead, left in the sink while the one remaining police officer in the kitchen, Probationary Constable Abela was told to stand, not close to the sink thus guarding the knife but, rather, across the room and near the refrigerator. Even on Ms. Bissett's evidence, she did not challenge the *POI* to drop the knife on several occasions or at all and, on the evidence which I prefer, namely that of Adrian Salter and the paramedics, Adam Salter did not "*counter towards the officers*." I have no idea where Mr. Hanlon acquired his version of events but it was nonsense.
92. But, perhaps more significantly, the false version of events originally announced by Mr. Hanlon was repeated in *SITREPS* composed by Superintendent P. Lennon at 6.30pm on 18 November and by Detective Inspector Oxford at 10pm and not corrected until 6.30pm on 19 November, 2009. Now, as I understand it, these *SITREPS* were designed to keep the Commissioner of Police and his senior officers informed of this very serious incident and, no doubt, informed spokesmen for Police in their representations to the media. Accordingly, for the best part of a day and a half the public, through the media, and probably the Commissioner himself were misinformed as to what had happened and why it had happened.
93. Detective Inspector Oxford who, as the signatory of one of these *SITREPS*, might well be regarded as an author of this misinformation was or should have been well aware, by the time he signed his document, that there was available evidence to contradict the assertions contained within it. His excuse for allowing these misrepresentations to go forward is that the *SITREPS* were "*cut and paste*" jobs for which he should not be held responsible. Others in the community and perhaps members of Adam Salter's family might see it as an attempt to manage the news which evidently is what it did when an Assistant Commissioner of Police gave a

media interview. As an exercise in the type of scrupulous impartiality, rigour and balance advocated in the *Critical Incident Guidelines* it fell far below an acceptable standard.

Police Response – Ms. Bissett’s walkthrough

94. Both Sergeant Sherree Bissett and Probationary Constable Aaron Abela participated with Detective Inspector Oxford in individual *ERISPs* and *walkthroughs* on 30 November, 2009. Adrian Salter likewise participated in a *walkthrough* on 19 November, the day after he provided an *ERISP* interview. None of the four paramedics were offered that opportunity and neither was Senior Constable Metcalfe whose evidence differed in several respects from that of her colleagues.
95. For reasons which I will outline, Ms. Bissett’s *walkthrough* seems to me to have been a deeply flawed process. The *walkthrough* was conducted by Detective Inspector Russell Oxford whose task it was “*to lead the investigation into the fatal shooting of Adam Salter.*”
96. The *walkthrough* is uncontroversial to the point, at Q144, where Sgt. Bissett describes Adam Salter holding a knife and he and Probationary Constable Abela struggling and “*they’re moving a bit over this way... ...So I’ve just drawn my gun, gone ‘taser, taser, taser’... ...And so I shot him here.*” Perhaps concerned lest anybody think that Sgt. Bissett acted rashly in firing her gun, Inspector Oxford prompts her at Q147 “*You made a conscious decision now that actually you’ve got to intervene*” to which she answers “*yep.*” No civilian witness suggests that there was any appreciable time between Ms. Bissett entering the room and firing the gun and Paramedic Coolahan’s evidence that the firearm was already drawn before Sgt. Bissett had entered the kitchen was already known to Police. These contrary accounts should have been put to Ms. Bissett – they were not, and should have prompted Mr. Oxford to exercise a degree of caution which evidently they failed to do.
97. Continuing the *walkthrough*, Ms. Bissett then tells Mr. Oxford that, as soon as she said “*taser, taser, taser,*” she fired her gun without any pause or delay. If “*taser, taser, taser*” was meant to be a warning that, unless he ceased his unacceptable behaviour, Adam Salter would suffer grave consequences, it could have had no effect

given that he was given no time to comply. If it was meant to be a warning to other police officers that an electrical circuit was about to be established and that they should stand clear, it was, on Ms. Bassett's version of events, gratuitous as she insists that she had no intention of resorting to her *taser*. And, if it wasn't meant as a warning, it is not clear why "*taser, taser, taser*" was said. Indeed, if one accepts Ms. Bissett's evidence that she always intended to fire her *Glock*, it is not clear why there was any mention of a *taser* at all.

98. At Q149 her explanation of "*taser, taser, taser*" is that "*they were the words that just came out of my mouth*" which is really no explanation at all. Mr. Oxford tries to help her out at Q150 to 152 by saying "*well, it's certainly not the case you pull out and go 'gun, gun, gun' do you?*" to which Sgt. Bissett answers "No." "No..." Mr. Oxford agrees, "*...you simply, if you've got toproduce your weapon, you either pull it out and either say stop police, or, or some police response if you have to.....produce your firearm.*"
99. Neither Sergeant Bissett nor Inspector Oxford has offered a rational and believable explanation for the words "*taser, taser, taser.*" Mr. Rushton of Senior Counsel for the family has suggested that the words were uttered in the course of "*blind panic and confusion*" when Ms. Bissett made the "*tragic mistake*" of firing the wrong weapon followed, he says, by a deliberate attempt to *cover up* the tragic error. Despite the obvious and clear differences in appearance of a *taser* and a *Glock*, no better explanation for the utterance has been advanced and I think it is more likely than not, although I cannot be sure, that a mistake was made.
100. The situation has been described as *chaotic*, the small room was crowded, everyone was yelling, Adam Salter was acting extremely irrationally and Ms. Bissett seems to have drawn her weapon on the run and fired without much opportunity to assess what was going on and what should happen next.
101. Returning to the *walkthrough*, in contrast to the evidence of the paramedics and of Adrian Salter, Ms. Bissett, in her *walkthrough*, speaks at Q162 of Adam Salter still struggling with Mr. Abela after the shot was fired and, at Q164, of Adam Salter, after being released by Abela, turning around and facing her and standing his ground. By

the time this *walkthrough* was undertaken, Police were in possession of evidence to the contrary. They had Probationary Constable Abela's statement of 18 November, 2009 that, as soon as he saw that Sgt. Bissett had drawn her firearm, he had let go of Adam Salter and taken two steps away from him. And they had evidence from Ms. Coolahan and from Adrian Salter describing the victim's behaviour and affect immediately after he was shot where there was no question of him showing any further challenge to Police. Mr. Oxford chose to direct no further questions to Sgt. Bissett regarding these apparent discrepancies.

102. Sgt. Bissett had 22 years experience as a police officer and nearly seven as a sergeant. I suppose she was under some sort of obligation to explain why she had failed to select a method of subduing Adam Salter less drastic than shooting him dead with her *Glock*. At Q193 she indicate that she *"just did not consider"* using her baton and she explains at Q194 or, rather, Inspector Oxford explains on her behalf that using her baton instead of shooting Adam Salter dead would not have been an acceptable option because, as Mr. Oxford put it, *"you, we have to spring it, it still takes some time to actually get it out."* Unprompted, Sgt. Bissett says *"I just didn't consider it. I didn't think it would be effective."* At Q199, Inspector Oxford prompts her that, in the circumstances, *"a baton would have been the least of your options do you think?"*
103. Nor did Ms. Bissett regard her capsicum spray as an alternative to shooting Adam Salter because, as she explains, *"You've got to spray them in the face and because he had a knife and pretty much his, he wasn't facing me, like, he was struggling with Abela, so I'd have to get in close to try to come around and spray him in the face, so I didn't consider OC... ..it's such a confined space, everyone would get secondary contamination."* And as Inspector Oxford puts it at Qs202 to 205, *"I suppose even, even today we've got the, the window open, there's a bit of breeze coming through here. Had you sprayed that, you could have effectively sprayed everybody in the roomyou could have sprayed yourself... ..and incapacitated yourself.. ..You could have sprayed yourself... ..And incapacitated yourself.. ..Would that be right?"*

104. Warming to the inadequacies of capsicum spray, Mr. Oxford says at Q207 and 208 *"...in a split second, you've got to make a decision in a split second.. ...That's certainly something that, that would have, may not have of, of stopped the situation, in fact it could have caused more harm to you and you could have been injured by it yourself."*
105. At Q208 to Q255 of the *walkthrough*, Ms. Bissett or, more accurately, Detective Inspector Oxford, sometimes with the concurrence of Ms. Bissett, explains why she did not chose and could not safely have used her *taser* rather than her gun when dealing with Adam Salter. She had up to date training in the use of a *taser*. The training consisted of *"lectures, an exam and then simulation training where you have a scenario and you use the taser."* At Q212 Mr. Oxford asks Sgt. Bissett *"can you draw the taser on a person and, and warn them that it can be used. Is that an option that you can with the taser. Or simply, if you draw it, you must fire it?"* Perhaps that question was too much, even for Ms. Bissett, who replies *"Usually you're taught that if your going to...you draw to fire it, not, you don't draw it just to cover people with it. If you're going to use it, you use it."* On another tack, Mr. Oxford recalls that the *taser* works by firing barbs, some type of spears or little barbs into the body both of which have to enter the body in order to *"connect"* or *"to complete the circle "* as Ms. Bissett corrected him. *"...So if you were to fire the barb and one missed..."* Mr. Oxford continues *"...and you only got one barb in there, would it be effective?"* Not surprisingly, Ms. Bissett agrees that it would not. In those circumstances, Ms. Bissett says at Q222 *"I'd have to go in and what we call drive stun them where there's another two points on the actual taser. So say, if the barb went in here to make an effective circuit, I'd say go down there."* Given that Adam Salter had his back to Ms. Bissett and was naked to the waist, that might have presented little problem for her.
106. At Q 226 Ms. Bissett tells Mr. Oxford that, as of 18 November, 2009, she had used a *taser* on only one prior occasion and, as Mr. Oxford remarks, *"...on that occasion, it didn't work properly... ...it wasn't effective."* As Detective Inspector Oxford explains *"if (the taser) hadn't worked then, potentially the officer (Mr. Abela) could have been harmed... ...because, regardless of what options you've got to use....."* At Q235 Mr. Oxford goes on *"...in your mind there was a situation where a man had a knife with*

the police officer struggling with him... ...regardless of what options you had to use, you saw that there was potentially harm or the other officer being killed.”

107. Returning to her use of the words “*taser, taser, taser*” when she was about to use her gun, Sgt. Bissett tells Mr. Oxford that the only explanation she could think of was that, when the job first came up and she set off for Lakemba, she had thought it would be a job for a *taser*. Perhaps, like me, Mr. Oxford thought this an unsatisfactory explanation so he enhances it at Q241 by saying “*...Would it be the case that with a self-harm you’re looking possibly at some kind of irrational behaviour on the part of the person, that if they’re harming themselves they’re not, they’re acting quite irrationally, would that be something you’d think?*” Ms. Bissett agrees “*Yeah, yep.*”
108. Perhaps Mr. Oxford felt that the explanation of the use of the words “*taser, taser, taser*” was not entirely clear, so, at Q242 he “*wrapped this up*” by misrepresenting what Bissett had told him and saying “*...the fact that you said ‘taser, taser, taser’ is merely a warning to others... ...that you’re intending to use a taser. As I said, when you produce your firearm, you don’t yell ‘gun, gun, gun,’ do you? So it could be the case that by simply giving some, in the, in the, in the, I suppose in the, the timing of all this, it was very traumatic, a very emotionally charged type of incident, you’re trying to give some warning to police officers here that you’re about to take some action.*” It is hard to imagine that this explanation satisfied Ms. Bissett even if, as is unlikely, she understood it. It certainly does not satisfy me.
109. Finally, perhaps exhausted by the intricacies of reasoning to which she had been exposed throughout the *walkthrough*, Ms. Bissett agrees with Mr. Oxford’s statements that “*it was a conscious decision that you realised you were reaching for your pistol and not your taser... ...there is no mistake you were reaching for your pistol and you didn’t mistakenly grab the wrong weapon,*” and “*you thought the gun, your pistol, was the best option.,*” Indeed, as Sgt. Bissett says “*my only option.*” For reasons which would be obvious to any fair minded person reading this *ERISP*, it would be dangerous to place reliance on it.
110. A particular difficulty with Ms. Bissett’s explanation of the basis of her decision to use her *Glock* rather than a *taser* is that, in contrast to her evidence that she entered the

kitchen, assessed the situation and then drew her revolver, the evidence of Paramedic Coolahan is that at the time that Ms. Bissett entered the room, she had already drawn her revolver and was holding it out in front of her in both hands. This allegation, namely that “*she (Sgt. Bissett) has come in with a weapon out*” was known to police on 18 November, 2009 when Ms. Coolahan gave her *ERISP*. Mr. Oxford did not put the allegation to Sgt. Bissett. Nor were the versions of Adrian Salter or any of the paramedics as to the absence of any threat to or struggle with Constable Abela, well known to Oxford as at 30 November, 2009, put to Ms. Bissett.

111. In my respectful opinion, as an exercise in fact finding and investigation for the purpose of informing the Coroner, the Commissioner of Police or the public of the circumstances of the death of Adam Salter and reassuring the community that the matter has been subjected to close and independent scrutiny, the *walkthrough* with Sgt. Bissett was a failure and a disgrace. Instead of eliciting information from Ms. Bissett, Mr. Oxford went out of his way to provide much of the evidence himself and to ignore material which might suggest a view or views contrary to his apparently preconceived version of the circumstances surrounding the death of Adam Salter. I do not accept his explanation that, because Ms. Bissett’s version of events contained in her *ERISP* was already to hand, the *walkthrough* should be regarded as no more than a dramatisation of the *ERISP* intended not to introduce evidence into the proceedings but merely to aid in a better understanding of the evidence already provided. Mr. Rushton of Senior Counsel for the family described it as “*a whitewash*” and “*a cover up.*”

Police Response – The Critical Incident Investigation Report

112. Included in the Coronial Brief is a copy of the *Guidelines For The Management And Investigation Of Critical Incidents*. This is a Police document governing the proper response, *inter alia*, to the death of or injury to a member of the community in circumstances involving a police officer. Here, because the actions of fellow police officers may have to be investigated, the guidelines recognise that there is a public interest in ensuring that investigating police act and are seen to act with particular thoroughness and complete impartiality. And so, the decision was taken to treat the death of Adam Salter as a *critical incident* and to subject its investigation to the particularly rigorous practices set out in the guidelines. These include the

appointment of a specialist and independent team to undertake the investigation and a review of that investigation by an independent and high ranking *Review Officer*. The specialist and independent team was that headed by Detective Inspector Russell Oxford as senior critical incident investigator (the *SCII*) and the independent *Review Officer* was Detective Inspector Steve Tedder. According to the Guidelines, the task of the SCII is to ensure that critical incidents are critically and rigorously investigated and the *Review Officer* is required to furnish a report to the *Deputy Commissioner – Field Operations*, certifying the quality, timeliness and probity of the investigation.

113. A 50 page *Critical Incident Investigation Report* into the fatal shooting of Adam Salter at Lakemba on 18 November, 2009 was signed by Mr. Oxford on 29 May, 2011. A copy of the report is contained in the Coronial Brief. His conclusion is that “*Sergeant Bissett was reasonable in her belief that Constable Abela was in immediate risk of death or serious harm. Her decision to fire her weapon at the deceased was reasonable, necessary and justified.*”
114. In his report, Detective Inspector Oxford devoted three approving pages to Sergeant Bissett’s evidence at her *walkthrough*, perhaps not surprising since he was the author of so much of it, and three lines to Adrian Salter’s *walkthrough*. In particular, he made no reference to Adrian Salter’s evidence that his son made no lunge towards any person in the kitchen. Adrian Salter’s response “*No. No...definitely not. In fact there was no one else, I was the closest person...I was the only person sort of within touching distance of him*” was entirely ignored by Mr. Oxford. In his *ERISP* on 18 November, 2009, Adrian Salter was asked questions about the police response to his son lunging for the sink and picking up the knife. He provided a number of answers including that “*they seemed to be in the same spot... ...I ran in front of them to grab Adam... ...they didn’t seem to do anything except shoot him...*” which seem to have been entirely ignored by Mr. Oxford.
115. At page 46 of the Report, under the heading *Investigation Opinion*, Detective Inspector Oxford describes Adam Salter as “*armed with a knife and swinging it around*” and Probationary Constable Abela as “*boxed into the corner of the small kitchen...*” with “*...no way to repel any stabbing threats.*” The only way Mr. Oxford could have come to those conclusions was entirely to ignore the contrary evidence of

Adrian Salter and the paramedics, particularly Paramedic Coolahan. Indeed, to enable him to find that Abela was “boxed in” would have required Mr. Oxford to have ignored the evidence of Probationary Constable Abela himself.

116. Still at page 46 of the *Critical Incident Investigation Report*, Inspector Oxford explained Ms. Bissett’s use of the words “taser, taser, taser” as “a sign or warning that she intended to fire.” That was not her evidence. The response she made to police indicates to me that she could give no convincing explanation for using the words which were merely “the words that came out of my mouth” until Mr. Oxford provided an incomprehensible explanation which I doubt even she understood.
117. Dealing further with Ms. Bissett’s cry of “taser, taser, taser,” Mr. Oxford reported that “her choice of words which may give the impression that she has mistakenly drew (sic) the wrong weapon, has in my opinion no bearing on the ultimately fatal outcome.”
118. At page 47 of the *Critical Incident Investigation Report*, Detective Inspector Oxford stated that “the Police when interviewed gave consistent evidence. This is supported by Mr (Adrian) Salter and the ambulance officers who were present.” In my opinion, that statement gravely misrepresents the truth. There are discrepancies in the evidence of the various police officers themselves and very major discrepancies between police on the one hand and Adrian Salter and the paramedics on the other. These go to whether Probationary Constable Abela played any useful part in the proceedings, whether he was ever in close physical contact with Adam Salter, whether he was ever in danger from Adam Salter, whether Adam Salter posed a danger to anybody else and, if so, when, whether Bissett had her firearm drawn when she entered the kitchen, whether it was necessary to go so far as to shoot Adam Salter and various other matters.
119. Mr. Oxford’s report refers to the evidence of Paramedic Cheri Lutz but significantly omits any reference to her description of Adam Salter’s behaviour once he recovered the knife from the sink and immediately before he was shot. Ms. Lutz told Police as early as April, 2010 that, although Mr. Salter was flailing around, he was not approaching anyone and she added that “I didn’t feel it, I, like it was a threatening

dangerous situation... ...I think he was just intent on hurting himself... ...I don't think he was trying to hurt anyone else there. Like, I didn't want to get anywhere near the guy... ...with a knife like that. But I think he was just more intent on getting that knife and just sinking it into himself, rather than actually hurting anyone... I wouldn't have liked to test it."

120. Elsewhere in her statement to Police, Ms. Lutz said *"I mean he might have been waving the knife around a bit, a little bit maybe, but he was, it was almost like he was still stabbing himself. It was almost like the, it was the shot whatever it was, that actually stopped him. So I don't think there was, if he stopped before he was shot, it wasn't a very long time. Like he wasn't, like he sort of lunged at anyone or did anything like that. It was almost like he was stabbing, stabbing, bang and then down..."* This is evidence which clearly bears on the degree, if any, to which Adam Salter posed a threat to Probationary Constable Abela and others, something which is vital to Mr. Oxford's stated opinion that *"Sergeant Bissett was reasonable in her belief that Constable Abela was at immediate risk of death or serious harm"* – a matter on which his ultimate conclusion that Ms. Bissett was justified in shooting Adam Salter turns. That Mr. Oxford should have virtually ignored this evidence is a significant defect in the integrity of his Report.

Police Response – Ignoring the Paramedics

121. A remarkable aspect of the investigation, it seems to me, is the failure of police to arrange a *walkthrough* with any one of the paramedics who was present in the kitchen at the time Ms. Bissett shot Adam Salter. There are several marked differences in the versions of events provided by Sgt. Bissett and Probationary Constable Abela on the one hand and the paramedics on the other. One would have thought that, in an attempt to clarify at least some of those differences, a *walkthrough* with at least one of the paramedics – a witness who might have been thought to have had less invested in the outcome of the investigation than did police, would have been helpful and important for the investigation. A *walkthrough* by at least one of the paramedics might have been helpful in providing an independent view for the community which, after all, has an interest in knowing exactly how Adam Salter died.

122. But Det. Sgt. Gorman told the inquest that she and Detective Inspector Oxford had decided that such participation of paramedics would not be necessary and that police evidence as to what had happened would be sufficient. She said this notwithstanding that she and Mr. Oxford were aware of the divergence between the recollections of police officers and those of the paramedics. Ms. Gorman was unable or unwilling to explain the basis of that decision but, in light of my view that a good deal of police evidence regarding very significant issues is, at best, doubtful, I would have thought that the clarification which the paramedics' evidence might have offered should have been welcomed. Instead, it was largely ignored.

Police Response – The Review

123. At any event, Inspector Tedder, the *Review Officer*, told the inquest that he could see no difficulty with regard to that decision. He explained that it is the behaviour of police officers rather than the behaviour of paramedics or anybody else which is to be investigated in the course of a *Critical Incident Investigation*. I am not sure if Mr. Tedder was being disingenuous in giving that opinion. The point, of course, in having the benefit of a *walkthrough* by the paramedics is not that their behaviour could have been more closely monitored but, rather, that the behaviour of the police officers could have been independently observed.
124. At any event, Mr. Tedder gave his colleague's report a clean bill of health. According to Mr. Tedder, "the voluminous Critical Incident Report (50 pages) plus attachments details an outstanding and thorough investigation. Detective Inspector Oxford and his team have demonstrated a high degree of professionalism and diligence in conducting this investigation." For the reasons I have outlined, my opinion in contrast is that the investigation was seriously flawed, provided the Commissioner with a very unreliable view of the circumstances of Adam Salter's death and will have failed to persuade the community that the circumstances surrounding Adam Salter's death were investigated scrupulously and fairly.
125. Detective Inspector Tedder went on in his review to express the opinion that "all involved officers performed their professional duties in a highly commendable fashion both at the time of the incident and over the following days." In what, Mr. Rushton SC told the inquest is seen by the Salter family as "abhorrent" and "an unforgivable

insult,” Mr. Tedder went so far as to recommend that “at the appropriate time/juncture all four involved officers receive formal recognition for their actions in the performance of their duties.” This recommendation was made as recently as June, 2011.

126. In my respectful view, the Commissioner should most definitely not accept this recommendation which he might well see as likely to contribute to community unease regarding Adam Salter’s fate and to the family’s suspicion of what Mr. Rushton described as “*a cover up and a whitewash.*”

Summary

127. In fact, there is very strong evidence that Probationary Constable Abela played little effective part in this matter and very compelling evidence, casting doubt on his version of events, that he was never in close physical contact with let alone in any significant danger from Adam Salter. So far as Sgt. Bissett is concerned, there is very strong evidence that her description of the risk posed by Adam Salter is exaggerated, real doubt as to whether she gave any consideration to an appropriate means of dealing with Adam Salter, real doubt as to whether shooting him was justified and whether a less drastic means of appropriately dealing with him was not available. Most importantly there is a very strong flavour of confusion and mistake and, given her cry “*taser, taser. taser,*” I think it is more likely than not that Sgt, Bissett mistakenly chose her *Glock* having intended to employ her *taser* .
128. As to the police intervention generally, a mentally ill man who, in the opinion of his father and those professionals who were taking care of him, may have been manic but posed a significant threat only to himself, lost his life at the hands of police who had intervened presumably in order to help him. At best, the police intervention was an utter failure. Police killed the person they were supposed to be helping. They forgot to remove or secure the knife from the sink. They removed from the kitchen the very person, his father, most likely to be able to contain him. They left Adam Salter in the care of a young and inexperienced and, on the evidence of Adrian Salter and the paramedics, ineffective and unresponsive officer. When called in from the front porch, “*nattering*” as Mr. Rushton would have it or briefing Sgt. Bissett as they say was the case, they blundered into the kitchen, Ms. Bissett probably with gun drawn. There was a high degree of chaos in the room and perhaps police perceived

that Adam Salter posed some sort of threat although it is more likely than not that he posed a threat only to himself. It is most unlikely that he posed a threat to Probationary Constable Abela or that Mr. Abela was anywhere near him. And then, without any proper warning or even challenge, Sgt. Bissett fired the fatal shot, either mistakenly as I think is most likely the case, or deliberately and apparently without taking time for any thoughtful consideration of the alternatives on offer. At least two police officers failed to take notes and, on his own evidence, another took most inadequate notes. To talk about “*formal recognition of their actions in the performance of their duties*” is ridiculous. And all this was followed by an inadequate and apparently prejudiced *Critical Incident Investigation* chiefly directed, as far as I can tell, to avoid embarrassment to Police.

Police Integrity Commission

129. I was asked by Mr. Rushton of Senior Counsel for the family to refer to certain police officers caught up in this matter and in the investigation of this matter to the *Police Integrity Commission*. On close consideration, I have decided not to do that. My reasons have less to do with an assessment of whether or not there are matters here which might justify examination by the Commission than with the view that, in cases such as this, such Coronial referrals should be made only in circumstances where no recourse is otherwise available to those who feel aggrieved. In this case, the family will have my findings and reasons - public documents, to use as they wish and they may be advised to approach the Commission armed with those. I think they will lose nothing by reason of bringing their own concerns to the Commission rather than relying on mine.

Findings

My findings are that Adam Quddus Salter who was born on 18 June, 1973 died on 18 November, 2009 at Canterbury Hospital, Campsie, NSW of a gunshot wound having that day been shot in the back by Police while at his home at 33 Wangee Road, Campsie, NSW.

Non Publication Order

For reasons disclosed *in arguendo*, I make a non-publication order prohibiting publication of the evidence contained in Tab102 of the Coronial Brief and paragraphs 7 and 9 of the statement of Sgt. Warren Brown of 30 November, 2010.

Magistrate Scott Mitchell,
NSW Deputy State Coroner.
Glebe
14 October, 2011.