



FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 29th day of June 2015, the 2nd and 6th days of July 2015 and the 16th day of November 2015, by the Coroner's Court of the said State, constituted of Mark Frederick Johns, State Coroner, into the death of Pellegrino Trotta.

The said Court finds that Pellegrino Trotta aged 53 years, late of 42 Andrew James Court, Hope Valley, South Australia died at Holden Hill Crash Repairs, 607 North East Road, Gilles Plains, South Australia on the 10th day of September 2011 as a result of smoke inhalation and effects of heat. The said Court finds that the circumstances of his death were as follows:

1. Introduction, cause of death and reason for Inquest

- 1.1. Mr Pellegrino Trotta died on 10 September 2011. He was 53 years of age. A post-mortem examination was conducted by Dr Neil Langlois of Forensic Science South Australia on 12 September 2011. Dr Langlois provided a report dated 15 March 2012¹ in which he gave the cause of death as smoke inhalation and effects of heat, and I so find. Toxicological results of blood samples taken at autopsy reported the presence of methylamphetamine in Mr Trotta's blood. Dr Langlois noted that, while it is difficult to predict the effect of a given level of methamphetamine in a person's blood, the drug is nevertheless recognised to have the potential to cause irrational behaviour and cause psychotic-like episodes. He said that the presence of methamphetamine in Mr Trotta's blood may account for Mr Trotta's behaviour on the

¹ Exhibit C2a

day which, as will be seen in due course, was correctly described by Dr Langlois as bizarre².

1.2. At the time of his death Mr Trotta had broken into the premises of a business on North East Road, Holden Hill known as Holden Hill Crash Repairs. He had used a brick to smash a window of those premises and had entered through the broken window. He proceeded to behave very erratically, including entering a vehicle and driving around smashing into objects and revving excessively with wheel spin. While this was occurring police had attended the area outside the crash repair premises and had formed a cordon. Police had made an attempt to speak to Mr Trotta with one officer yelling out to him words to the effect 'this is the police, stop, don't move, stop, police'. Mr Trotta was reported by that officer to have looked in the officer's direction and yelled words to the effect of 'get the police here, you will need them'. The Coroners Act 2003 provides that a death in custody means the death of a person where there is reason to believe that the death occurred while the person was evading apprehension by a person authorised under the law of the State to apprehend the person. While it is not clear from Mr Trotta's reaction that he appreciated that he was speaking to a police officer – indeed his comment that the officer to whom he was speaking should 'get the police here' might suggest otherwise – the fact is that the building was surrounded by police and, as a matter of objective fact, Mr Trotta was evading apprehension by them in the manner of his behaviour inside the premises. I am satisfied that his was a death in custody therefore within the meaning of the Act and this Inquest was held as required by section 21(1)(a) of the Act.

1.3. While Mr Trotta was driving the motor vehicle backwards and forwards and smashing into objects inside the Holden Hill Crash Repairs premises, it appears that the motor vehicle caught fire and it was the resulting fire and smoke which caused Mr Trotta's death. Once the fire was extinguished Mr Trotta was found in the front seat of the motor vehicle, having died from the combined effects of smoke inhalation and heat.

2. Background

2.1. Mr Trotta was married to Mrs Connie Trotta, his wife of 32 years. They had three adult children. Mrs Trotta provided statements to police in the period shortly after Mr Trotta's death³. Her statements covered the period immediately before

² Exhibit C2a

³ Exhibits C1b and C1c

Mr Trotta's death, commencing at approximately 3:30pm the previous afternoon. She also provided some information as to his behaviour over the longer term. Turning first to the period immediately prior to his death she said that she arrived at the family home at about 3:30pm on Saturday, 10 September 2011 having been away for a couple of weeks. She said she had been staying with a friend of hers because she was having what she described as relationship issues with Mr Trotta. She said that the issues were that Mr Trotta was becoming very abusive towards her and that this was becoming worse over time. She said she needed some peace away from him and was therefore staying with a friend. She said that Mr Trotta had remained at the family home with one of their three children, a son.

- 2.2. Mrs Trotta said that on the night of 10 September 2011 she had organised to go to a family birthday for their son-in-law. She had agreed that she would go with Mr Trotta to the party together and he was excited about that. When she arrived at the family home Mr Trotta was there and was pleased to see her. Mrs Trotta said that she immediately went upstairs to get dressed and prepare herself for the party. After some time her mobile phone rang and it was Mr Trotta who said that he could hear the dog barking and he could see flickering lights outside the house. She responded that she did not hear a dog barking and that she had to finish getting herself ready and prepared for the party. She thought that this may have occurred at about 6:30pm, but it might have been as late as 7pm. They were supposed to be at the party at 7pm but they were not concerned about being late. She explained that the house is quite a large two-storey house and it was not unusual for one of them to ring the other while they were both inside the house, rather than attempt to find each other. I also infer from Mr Trotta's reference to seeing lights outside that it must have been dark when he made that telephone call.
- 2.3. Mrs Trotta said that approximately half an hour after this she received another mobile phone call from her husband. This conversation did not make a lot of sense and involved a request on the part of Mr Trotta that Mrs Trotta ring someone called Tony and that she was to ring him back and get Tony's number. Mrs Trotta said that she was not paying very much attention and after this phone call she continued to get ready. She said that some 20 minutes later she dialled Mr Trotta's number and there was no answer. In fact, that telephone conversation was their last contact. Mrs Trotta made a number of further attempts to contact Mr Trotta thereafter, but none of them

was successful. She looked around the house and called out, but was unable to find Mr Trotta and noted that his car was no longer in the driveway. She assumed that Mr Trotta had gone out and she was somewhat annoyed that he was not ready to attend the party with her and thought he may have gone ahead. In any event, Mrs Trotta attended the party and her husband was not there and she heard nothing further until she was contacted by police in the early hours of the following morning to inform her of Mr Trotta's death.

- 2.4. Mrs Trotta also provided some information about Mr Trotta's behaviour over the longer term. She was asked about a note that was contained in Mr Trotta's medical records held by Dr Neroni⁴. Those records contain a file note dated 22 September 2008 recording that Mrs Trotta had contacted the surgery that day to express concern that Mr Trotta had become 'more paranoid and insecure recently'. I note that the records contain no reference to previous examples of such behaviour, so the use of the word 'more' is incongruous. Nevertheless, the effect of the note is clear in reporting paranoid and insecure behaviour. Mrs Trotta had no recollection of that conversation when she spoke to police shortly after Mr Trotta's death, despite the fact that it was only three years later. Nevertheless, she said that it was certainly possible that she had made that call.
- 2.5. Mrs Trotta said that she worked for a retail jeweller in a suburban shopping centre. She said that she thought that Mr Trotta may have organised someone to watch her as he had been acting 'very paranoid'. She said that at some stage a security guard at the shopping centre had approached her and told her that a man in a silver 4WD had offered some children money to go into the jewellery shop to see if she was working. She thought that this may have been her husband or someone acting on his behalf. She said that he would walk by the shop frequently. She began to park her car across the road from the shopping centre in case either Mr Trotta or someone else was watching her. She said that the night before she left the family home to stay with a friend in the period shortly before Mr Trotta's death she had been out shopping. When she returned home Mr Trotta said he had seen her in the David Jones car park getting out of a silver car. She said that this was not true and they argued about it. The next morning Mr Trotta woke her by physically grabbing her hair and pulling it. He had spittle around his mouth and was really angry and was grabbing at her and

⁴ Exhibit C98

tried to bite her nose. She got away from him but not before receiving bruises and scratches to her upper torso. It was then that she realised that she would have to have a break from him.

- 2.6. It may well be that Mrs Trotta was reluctant to provide police with a full picture of just how unusual Mr Trotta's behaviour had been for some time. A pattern has emerged through the evidence of a number of other witnesses that I will refer to shortly. I suspect that Mrs Trotta's reluctance to elaborate may have been due to her belief that the police were in some way negligent on the day of her husband's death. She expressed the belief that the police are trained in how to get a man out of a situation such as that presented to them by Mr Trotta on 10 September 2011. For reasons which I will explain in due course, I do not share that opinion.
- 2.7. Mr Papadulis was a friend and associate of Mr Trotta who had known him for many years and, although they had lost contact for some time, they had renewed their friendship and association about 2½ years prior to Mr Trotta's death. Mr Papadulis described some unusual conversation that he had had with Mr Trotta over that period, including Mr Trotta having asked him to buy tickets to Perth so he could look for some gold bullion that had been stolen from the Perth Mint. Mr Trotta apparently bought a metal detector and spent five days in a small town somewhere in Western Australia. He said Mr Trotta would contact him on the phone and ask him to do things for him such as borrow a car and park it at the end of his street and look out for a silver or white car. Mr Trotta would also ask Mr Papadulis to go to the suburban shopping centre where Mrs Trotta worked and look out for a silver or white car. He asked Mr Papadulis to watch his house on a number of occasions. About three weeks before Mr Trotta's death he contacted Mr Papadulis and asked if he could get a gun and come to the city and meet him in a car park. He was agitated and was speaking in Italian which he only ever did if he was hiding something. Mr Papadulis said that he had no intention of getting a gun and going to see Mr Trotta and it was never mentioned again. Mr Papadulis said that at around the same time he would see Mr Trotta every couple of days and Mr Trotta behaved as if he was on some sort of secretive mission.
- 2.8. Another business associate, Mr Webster, told police that on Saturday, 10 September 2011 he received a text message from Mr Trotta but it was 'really jumbled and didn't

make much sense'⁵. Mr Webster said that some of Mr Trotta's business practices had been, from his point of view, unsatisfactory.

2.9. The most revealing information about Mr Trotta's unusual behaviour and irrational state of mind comes from the witness Francesco Carbone⁶. Mr Carbone is a self-employed private investigator. He said that he was contacted on 31 August 2011 by his cousin who was a friend of Mr Trotta. Mr Carbone's cousin said that Mr Trotta was having trouble with his wife and wanted the help of a private investigator. Mr Carbone was reluctant to assist because he does not investigate such matters, but agreed to do it as a favour. Later that day he met Mr Trotta behind the Glynburn Hotel at approximately 1pm. Mr Trotta provided him with some information about his wife, the fact that she had moved out of the family home and her place of work and the make and registration number of her vehicle. He told Mr Carbone that he suspected that his wife was having an affair. Mr Trotta believed that the affair involved another employee at the shopping centre at which Mrs Trotta's jeweller employer was located. Mr Carbone was provided with the man's telephone number and the registration number of a silver coloured Ford he was said to drive. Mr Trotta had obtained the telephone number from his wife's telephone and believed that she was receiving text messages from the man. He told Mr Carbone that he had obtained the car registration number through other people that he had asked to watch his wife at work, but he did not say who they were. Alternatively, if his wife was not having an affair with the first man, Mr Trotta nominated another male who also drove a silver Ford. He further alleged that if it was neither of these people then his wife may have been having a lesbian affair with a woman with whom she had worked two years previously. Mr Carbone said that according to Mr Trotta his wife denied that she was having an affair with anyone.

2.10. Mr Carbone reported that the first time he met Mr Trotta he was very upset and was crying. He was very emotional and had to be calmed down. Mr Carbone said that he thought that Mr Trotta was 'extremely paranoid'. In any event Mr Carbone agreed to assist him. Mr Carbone described a number of the steps he took on Mr Trotta's behalf. None of them yielded any proof of Mr Trotta's various beliefs. In particular, Mr Carbone located the woman who Mr Trotta thought might be one of the people involved with his wife. Mr Carbone described speaking to Mr Trotta to attempt to

⁵ Exhibit C7a

⁶ Exhibit C11a

establish how Mr Trotta had arrived at the conclusion that this woman was the person involved and Mr Trotta switched his suspicions during that conversation back to the first man who had been mentioned originally. Mr Carbone said that each time Mr Trotta changed his mind he would come up with stories about how he had come to that conclusion and try to convince Mr Carbone to 'work on that particular person'. Mr Carbone said that he counselled Mr Trotta a bit and told him not to pressure his wife about her movements as that would be counterproductive. Mr Trotta had told Mr Carbone that his wife had said she still loved him and that she was planning to come back, but needed some space. Mr Carbone reminded him of this and it seemed to calm him down. Mr Carbone said that it was some time into his involvement with Mr Trotta that Mr Trotta revealed to him the incident in which he had what he described as a minor physical altercation with his wife during which he had grabbed her by the shoulders and shaken her and questioned her about who she was having an affair with. He said that his wife denied the affair and he threw her onto the bed. This corroborates Mrs Trotta's version of events also. By this stage Mr Carbone said that he was of the view that Mr Trotta's beliefs were more created out of paranoia than the truth.

- 2.11. On 5 September 2011 Mr Trotta telephoned Mr Carbone to say that he believed that people who had been sent by his wife were trying to break into his house and steal his things. Mr Carbone told him that these beliefs were not consistent with other things that Mr Trotta had told him and attempted to calm him down. On 7 September 2011 Mr Carbone received some very unusual text messages from Mr Trotta including a reference to a copper who was the 'mastermind' and other bizarre references. Mr Carbone did not respond to these text messages. He said that by this time he was almost positive that Mrs Trotta was not having an affair. Mr Carbone got the impression that Mr Trotta was simply making up information about the 'copper' to keep Mr Carbone interested in the job.
- 2.12. Mr Carbone met Mr Trotta at a café in Norwood on 8 September 2011. Mr Carbone described Mr Trotta's behaviour as completely paranoid. By now Mr Trotta believed that his wife was having an affair and that she was conspiring to get him arrested by the police. Mr Carbone attempted to calm him down and told him that there was no way his wife would do anything of that nature. However, Mr Trotta was not listening to him. Mr Carbone was aware that on the Saturday his wife would be returning to

the house so that they could go to the party and he emphasised that to Mr Trotta and advised him to wait until the party and see how it went. Mr Carbone conducted some further investigations and then was satisfied that the first man mentioned by Mr Trotta was not involved with Mr Trotta's wife. He informed Mr Trotta of this over the telephone. Mr Carbone admitted that he lied to Mr Trotta by telling him that the second man was also not connected with his wife (even though Mr Carbone had not investigated the second man). He said he did this to appease Mr Trotta and because he really did not think Mrs Trotta was having any affair at all. While conducting these investigations Mr Carbone noted two men walking around the car park in the vicinity of Mr Trotta's wife's place of work. Mr Carbone contacted Mr Trotta and put this to him. Mr Trotta confessed that these people were working for him and Mr Carbone told him that he was no longer interested in trying to help him if he was having other people do this. Mr Trotta became very apologetic and said he would cease immediately, but that he had asked these people to watch Mr Carbone's back as Mrs Trotta may have Mr Carbone harmed if she found out he was following her. Mr Carbone told Mr Trotta he did not need anyone watching his back and that Mrs Trotta was not going to harm anyone, and for Mr Trotta to stop being ridiculous. Mr Trotta apologised and begged that Mr Carbone continue to help him.

- 2.13. Mr Carbone had further contact with Mr Trotta on Saturday, 10 September 2011. He said that Mr Trotta was being extremely irrational. He received a number of calls in relation to the party Mr Trotta was attending. Mr Trotta wanted him to place a tracking device on Mrs Trotta's vehicle. Mr Carbone refused to do this. Mr Trotta then told him that the police were involved and had been chasing him in unmarked cars. When Mr Carbone asked him how he knew this, Mr Trotta said he could 'spot a cop a mile away'. Mr Carbone told him he was being totally ridiculous and needed to calm down as he would end up either getting himself in trouble or losing his wife altogether. Mr Carbone said that at this time he was becoming increasingly concerned about the welfare of Mrs Trotta. He had actually decided that next time he did locate Mrs Trotta he would tell her of his concerns. Mr Carbone last heard from Mr Trotta at about 5pm on 10 September 2011. He responded to Mr Trotta rather abruptly and then Mr Trotta said 'don't worry about it' and terminated the call. Mr Carbone believed that the tone in his voice would have given Mr Trotta the impression that he was unlikely to be impressed with whatever Mr Trotta was about to say. Mr Carbone said that was the last time he heard from Mr Trotta.

2.14. Very importantly, Mr Carbone made the following observations about Mr Trotta:

'Trotta's behaviour from the first day I met him went from a person who was shattered at the thought of losing his wife of 38 years to someone who was convinced that she had been brainwashed and she was now out to take all his belongings and have him arrested by the police for whatever he had supposedly done in his past.

I have no doubt in my mind that on Saturday night had Trotta been confronted by the police inside the crash repairers and they attempted to arrest him he would have done everything in his power to prevent that from happening.'⁷

3. The events of Saturday evening 10 September 2011

3.1. It appears that shortly after the conversation with his wife while they were both in the house, Mr Trotta left the family house in the white Ford Explorer vehicle that he drove. Between 6:30pm and 6:45pm Mr Forbes and Mr Gibbons were working in the Modbury Plaza Hotel, North East Road, Modbury when Mr Trotta drove the Ford Explorer into the bottle department drive through. He parked the vehicle so that it was blocking two lanes⁸. Mr Forbes said that Mr Trotta wanted to use the phone to ring the police. Mr Forbes said:

'He just wasn't making any sense. He appeared to be having some form of mental issue.'

Mr Trotta was rambling about aliens and his wife joining a cult⁹. Mr Forbes rang the police as he was concerned that Mr Trotta might accidentally harm himself. The security officer at the Modbury Plaza Hotel, Mr Jocumsen, approached Mr Trotta who was obviously agitated¹⁰. Mr Jocumsen said that Mr Trotta said words to the effect 'I'm serious, I'm serious' and took a rigid stance. Mr Jocumsen told Mr Trotta to settle down and quickly realised there was something wrong with him. Mr Jocumsen tried to stall Mr Trotta and keep him until police arrived. He suggested that he sit in the car with Mr Trotta and have a talk. Mr Trotta said something like:

'I can't go in the car, there's a bloke in the car that's going to knife me.'

Mr Jocumsen noted that there was no-one in the car. He thought Mr Trotta was 'quite off the planet' and Mr Trotta was talking about how his wife had left him. Mr Trotta appeared very wary of who was around him and was saying things like 'see these blokes, see these blokes'.

⁷ Exhibit C11a

⁸ Exhibit C12a

⁹ Exhibit C12a

¹⁰ Exhibit C14a

- 3.2. Mr Flannigan is the assistant manager at the Modbury Plaza Hotel¹¹. He attended the bottle department having been alerted to the situation by Mr Forbes. He spoke with Mr Trotta and said that when two cars pulled into the bottle department Mr Trotta became agitated and claimed that those cars had been following him for 30 minutes and had been circling the car park. It was obvious to Mr Flannigan that Mr Trotta had some sort of 'mental issue' and was agitated. Mr Trotta was seen by the group at the Modbury Plaza Hotel to run across North East Road, apparently oblivious of the traffic. However, Mr Trotta returned to his car and said words to the effect that he could not trust anyone, not even the police.
- 3.3. At about 7:20pm a Mr Jensen was inside his house nearby when he heard six loud bangs on the window. The window smashed and he heard a male's voice call out 'get out, it's the police'¹². Mr Jensen called the police to report this event. Mr Taylor was driving his vehicle at about 7:30pm on North East Road, Gilles Plains¹³. He saw a man running towards him in the centre lane of the road and was forced to slow down and avoid the male colliding with him. He thought the man was either on drugs or suffering from a mental illness. He pulled over and reported the matter to the police. At or about this time Ms Clemente was at an address on North East Road¹⁴ when she heard a very loud bang on her roller shutter. She went into her front yard and saw a man lying down on the concrete by the letterbox. He said 'please call the police, I'm in trouble'. She went inside to make the phone call and when she returned the man had gone.
- 3.4. At about 7:45pm Ms Barr was stationary in her vehicle at the junction of Wandana Avenue and North East Road, Gilles Plains¹⁵ when she saw a man on the footpath carrying a pole, possibly a broom handle. As she turned into North East Road the man began to walk quickly towards her and then started to run alongside her vehicle, forcing her to slow down out of fear of colliding with him. He hit her car with the pole on the back left door. She could see that he was apparently also holding a knife. After hitting her vehicle the man ran back in the direction from which he had come.

¹¹ Exhibit C13a

¹² Exhibit C96aj

¹³ Exhibit C18a

¹⁴ Exhibit C17a

¹⁵ Exhibit C20a

- 3.5. Mr Singh was driving his vehicle on North East Road, Gilles Plains¹⁶ when he saw a man walking on North East Road carrying a stick or a broom handle. Mr Singh stopped at a fish and chip shop when the man walked past his car repeatedly swearing and saying ‘fucking dickheads’. On leaving the fish and chip shop Mr Singh saw the male in the middle of North East Road holding the broom handle and, as he drove past, the man hit the front driver’s side pillar with the broom handle. Mr Singh then rang the police.
- 3.6. At about 7:45pm Ms McInerney¹⁷ was driving her vehicle in a north-easterly direction on North East Road, Gilles Plains. A male person suddenly appeared on the roadway in front of her car. She had to stop to avoid colliding with him. As she did so she activated the internal locks on her vehicle. The man stood in front of her car and made no attempt to move off the road. He walked towards her and was holding what appeared to be a long handled broom which he raised above his head. He began waiving it around and moved towards the passenger side of her vehicle. Thinking he might try to enter her vehicle she pulled the steering wheel heavily to the right and accelerated around the man. As she did so he hit the front panel of the passenger side of her vehicle and she heard a loud bang. She notified the police of this incident.
- 3.7. At about 7:45pm Mr Threadgold¹⁸ was travelling in his vehicle on North East Road. As he approached the intersection of North East Road and Wandana Avenue he was slowing for a red light when he saw a man standing on the same side of the road as he was driving on. The man was standing in the middle of the roadway and then started to walk towards the median strip. He was carrying a broom and what looked like a knife. Mr Threadgold said that he could not tell if the knife was real or not, but that the blade was shiny. He alerted police.
- 3.8. At about 7:45pm Ms Fischer¹⁹ was a passenger in a vehicle being driven by her husband and they were driving on North East Road, Gilles Plains towards the city. Ms Fischer looked over to her right and saw a man breaking into a business premises known as Doors Plus. The man had a brick and was throwing it at a large window. He threw the brick on three occasions and the window finally broke. He reached inside and removed something. She also saw him throw a brick at a bus as it drove

¹⁶ Exhibit C23a

¹⁷ Exhibit C24a

¹⁸ Exhibit C25a

¹⁹ Exhibit C27a

past. She believed that he was either on drugs or had a mental issue. Mr Krempel was driving the vehicle with Ms Fischer²⁰. He said he saw the man throw a brick at a green sedan that was travelling towards the city.

- 3.9. At about 7:45pm Ms Singleton and her husband were travelling in their green Holden vehicle towards the city²¹. Ms Singleton noticed a bus parked on the side of the road and as they were passing the bus a brick was thrown at their vehicle hitting the front passenger window. Her husband stopped the vehicle and called police. He saw the man walk over to the Holden Hill Crash Repairs premises where he threw a brick at the front window and smashed it. He then saw the man climb through the window. A police officer arrived and Mr Singleton pointed to the premises²². At about 7:55pm Mr Tippett²³ was driving a bus on Wandana Avenue, Gilles Plains turning right onto North East Road. There were several passengers on the bus. As he was turning he heard a loud bang on the side of the bus. He stopped and saw that the right hand side window had been smashed. As he got out of the bus he saw a man running down the centre of North East Road.
- 3.10. At about 8pm Senior Constable Kennedy was on uniform traffic patrol when she responded to a communication tasking of a man running on the roadway in the vicinity of the Highlander Hotel, North East Road, Gilles Plains. Her attention was drawn by Mr Krempel who told her that a man was currently inside the Holden Hill Crash Repairs premises. Senior Constable Kennedy advised police communications and requested further assistance. She approached the broken window of the crash repair premises and heard loud banging noises coming from inside. Shortly after other police arrived²⁴.
- 3.11. From the above accounts it is apparent that the person involved in all of these incidents was Mr Trotta. It will be seen that some of the accounts appear to be slightly inaccurate regarding the precise timing, but I have no doubt that each of the accounts was genuinely relating to an incident concerning Mr Trotta and his highly erratic behaviour.

²⁰ Exhibit C26a

²¹ Exhibit C28a

²² Exhibit C29a

²³ Exhibit C30a

²⁴ Exhibit C54a

4. The police and emergency response whilst Mr Trotta was in the crash repairers

- 4.1. At shortly after 8pm a number of police officers had arrived at the crash repair premises. Senior Constable Siverwight called out to Mr Trotta words to the effect:

'It's the police, are you alright? My name is Grant. I don't know what has started all this, but we can sort it out. Can you hear me?'²⁵

Senior Constable Farr and Senior Constable Tasker were yelling out to Mr Trotta informing him that they were the police, asking if he was alright and to identify himself. Constable Tasker put his head inside the window and called out:

'Hello, can you hear me? It's the police. I just want to make sure you are okay. Are you hurt, do you need an ambulance? I am not coming inside, I just want to make sure that you are okay?'²⁶

Mr Trotta did not reply to any of these inquiries. At about this time Inspector Hubbard, who was then a Sergeant, attended at the corner of North East Road and Lurline Avenue, Gilles Plains. He declared the incident as high risk and established a forward command post. STAR Group was notified of the incident and they were responding. All police were advised to put on ballistic vests, cordons were established and it was decided to use tactical communication to engage with Mr Trotta. The police negotiator on call for that evening was Constable Brown. The ultimate intention was to arrest Mr Trotta safely for offences involving property damage and serious criminal trespass. Inspector Hubbard made sure that South Australia Ambulance Service were notified and were requested to attend.

- 4.2. Inspector Hubbard gave evidence at the Inquest. He said that having identified that the premises were a crash repair shop, he became concerned about the potential presence of solvents in the shop and other potentially flammable substances²⁷. He said that he could not rule out the possibility of a fire and thus called the ambulance and the fire brigade as well. He said that he thought it possible that Mr Trotta might attempt to drive through one of the walls of the crash repair shop which would create further risks. He summarised the situation by saying:

'So we had a number of risks, the risk that we originally started with, plus then the fact that there was the presence of a vehicle, the fact that there was the presence of potentially

²⁵ Exhibit C63a

²⁶ Exhibit C63a

²⁷ Transcript, pages 51-52

flammable substances which I suppose in a way created a perfect storm of risk that made the incident certainly more complex.’²⁸

Inspector Hubbard said that at approximately 8:30pm he noticed that there was a haze coming from within the premises. In hindsight he said that he did not think that the fire had started at that time, but the presence of the ‘haze’ prompted the calling of the fire service²⁹. It may well be that the haze that was noticed was in fact smoke from wheel spinning that was taking place as Mr Trotta was attempting to move one of the vehicles.

- 4.3. Inspector Hubbard said that the STAR Group officers arrived shortly after 9pm³⁰. He then dealt with the STAR Group Tactical Commander, Senior Sergeant Eichner.
- 4.4. Sergeant Carrol gave evidence at the Inquest. He said that he was a member of the STAR Group on 10 September 2011 and attended at the scene. He was the leader of the arrest team. He said that he arrived at Holden Hill Crash Repairs at around 8:15pm³¹. He said that when he arrived local patrols and the Metropolitan Fire Service (MFS) were already there.
- 4.5. Sergeant Carrol said that he looked through a window and was able to observe Mr Trotta standing at the door of a car. Sergeant Carrol said that Mr Trotta was looking about himself and looking agitated. The vehicle had got stuck inside a spray booth and Sergeant Carrol said that it looked as if the accelerator had been stuck down because there was a very high revving noise coming from the engine, even though Mr Trotta was not inside the vehicle. Another officer, Sergeant Scutchings, was yelling very loudly at Mr Trotta to try and gain his attention, but Mr Trotta did not appear to be responding or to be aware of the police presence or what was going on around him³². Sergeant Carrol said that Mr Trotta’s movements were quick and erratic and it appeared that he was having some type of mental episode and was not aware of his surroundings. Sergeant Carrol said he could remember telling Sergeant Scutchings that he needed to stop yelling so that they could attempt to calm the situation down.

²⁸ Transcript, page 52

²⁹ Transcript, page 53

³⁰ Transcript, page 53

³¹ Transcript, page 68

³² Transcript, page 72

- 4.6. Sergeant Carrol said that he also observed smoke inside the building which he considered was a combination of exhaust smoke and tyre spinning smoke³³. Sergeant Carrol said that it was his belief, and that of other police, that Mr Trotta was alone in the premises, but he said that he needed to have that confirmed³⁴. He needed to see if there was any risk to any person other than Mr Trotta and to keep the situation isolated and commence negotiations. His strategy was to keep Mr Trotta inside the building and then get negotiators forward to start negotiations³⁵. Sergeant Carrol said that at that point Mr Trotta's behaviour was very irrational, but that it did not appear that Mr Trotta was looking to harm himself in any way³⁶. Sergeant Carrol noted the difficulty of the fact that the premises were an operational crash repairer meant that there would be items that could be used as weapons, such as heavy bars and there was also a mobile vehicle. Furthermore, there would be accelerants³⁷. These factors had to be taken into account in making a risk assessment³⁸.
- 4.7. Sergeant Carrol said that at this point he was asked by Senior Sergeant Eichner to formulate a plan to enter the premises and apprehend Mr Trotta. This, Sergeant Carrol explained, was an emergency action plan. He said that it was not a plan that would necessarily be instigated, but it would be available if there were hostages involved or if Mr Trotta started to engage in self-harm. So he commenced to plan how they would make an entry, what equipment they would take and how they would systematically clear through the premises to apprehend Mr Trotta³⁹.
- 4.8. Things started to occur more rapidly soon after this. At 9:18pm Sergeant Carrol became aware that a fire had started inside the building. He said that it took hold really quickly. He said that his assessment on arrival was that the smoke that he had seen was a combination of tyre rubber and exhaust fumes as opposed to an active fire⁴⁰. So, although the fire service had been called and were already present, Sergeant Carrol described his state of mind as having been 'sort of caught off guard' because they had not predicted that an actual fire would occur⁴¹. He said that the commencement of the fire changed things and constituted the need to consider

³³ Transcript, page 73

³⁴ Transcript, page 74

³⁵ Transcript, page 74

³⁶ Transcript, page 76

³⁷ Transcript, page 76

³⁸ Transcript, page 76

³⁹ Transcript, page 77

⁴⁰ Transcript, page 78

⁴¹ Transcript, page 75

emergency action⁴². He said that as soon as he observed the fire, he contacted Senior Sergeant Eichner and advised him. Within 15 to 30 seconds the vehicle that Mr Trotta had been standing near started to catch fire. He asked for permission for the MFS personnel to be brought forward to start extinguishing the fire. He did not get an immediate response from Senior Sergeant Eichner, possibly because the latter was engaged in some other communication. As a consequence Sergeant Carrol took it upon himself to take the initiative to have the MFS personnel come forward straight away. He said that there were two appliances and two hoses and he had one of his STAR Group operators go with each of the MFS crew and standby with them while they started to extinguish the fire. His recollection was that they broke some of the windows in order to get the water into the premises⁴³.

4.9. Sergeant Carrol said that according to his notes the MFS were called forward at 9:22pm. He said that the fire was extinguished at 9:35pm. He said that the fire started on the right hand rear side of the vehicle and he said that it appeared that there must have been accelerants because there were sparks coming off the rim of the vehicle. He said that fire engulfed the right rear of the vehicle and then the vehicle caught fire more generally. It rapidly moved into the eaves of the building and the roofline very quickly⁴⁴. Sergeant Carrol did not see anymore of Mr Trotta while the fire was occurring. He said the last time he saw Mr Trotta was prior to the fire starting⁴⁵.

4.10. Sergeant Carrol explained in his evidence that it was necessary to arrange for the MFS team, once the fire was extinguished, to cut an access point through the metal cladding of the building in order for them to gain direct access to the location Mr Trotta was believed to have last been in. Sergeant Carrol explained that it was necessary to create this access point for safety reasons. The access point would be at a place close to Mr Trotta's last known location so that there would be a minimum of time and distance that police and others would have to cover in order to get to Mr Trotta. Sergeant Carrol explained that he was not able to confirm that electricity had been disconnected in the premises and he knew that there was a lot of water inside. He was concerned about risks of electrocution and structural weaknesses in the building so it was necessary to create a point of access that would provide the

⁴² Transcript, page 79

⁴³ Transcript, page 81

⁴⁴ Transcript, page 82

⁴⁵ Transcript, page 82

most direct means of getting to Mr Trotta's location. Sergeant Carrol said that once inside the building he went to the front side of the vehicle Mr Trotta had been seen next to. Sergeant Carrol noticed that the steering wheel and the dashboard of the vehicle were melted. Initially he could not identify a body in the vehicle because of the amount of burning inside. However, he was able to identify the remains of a body which was burnt. Sergeant Carrol immediately realised that the body, which he assumed to be that of Mr Trotta, was deceased.

4.11. Sergeant Carrol explained that the vehicle was initially being driven within the building by Mr Trotta, but then it got stuck in the spray booth of the crash repair premises. He said that the rear right wheel was slightly elevated and it was just touching the ground, and when the accelerator was being applied by Mr Trotta, the rubber on the wheel was making all of the smoke initially. He said that at that stage there was not a fire, but when the tire shredded the vehicle dropped slightly and the rim started to hit the ground and that created a lot of sparks until there was the ignition of a fire⁴⁶.

4.12. Sergeant Carrol was asked whether with the benefit of hindsight he would have done anything differently and he responded as follows:

'In hindsight if I knew that that vehicle was going to catch on fire and that, I would have said well you know, absolutely there's a - it's like an imminent threat to life that you know is going to happen. It's like as if you were to see somebody walking towards a noose or something like that, yeah you're going to take action. But it wasn't conceivable that that would get stuck in that spray booth right next to the accelerants and catch on fire. So I guess I'll answer it in two ways, if I'd know that would happen I'd be happy to expose the team to a level of risk. If you could somehow look into the future and say this is going to happen in the next five minutes, absolutely we would have made entry and intervened. But in retrospective, like looking I guess at all the decisions I made whilst I'm not under pressure now, I think they were still - I stand by them all, they're all still good decisions.'⁴⁷

4.13. Senior Sergeant Eichner of the STAR Group also gave evidence at the Inquest. He was the Deputy Tactical Commander at the forward command post on the night. He was in communication with Sergeant Carrol. Senior Sergeant Eichner explained that one of the greatest risks that he took into account in this situation was that Mr Trotta was known to be armed with a knife according to witness accounts on the night, of

⁴⁶ Transcript, page 90

⁴⁷ Transcript, pages 105-106

which Senior Sergeant Eichner and others were aware⁴⁸. Also, Senior Sergeant Eichner was aware that Mr Trotta might be able to use the vehicle that he was driving within the building to force his way out of the crash repair premises and then create danger to the general public⁴⁹. He explained that in a situation such as this with the erratic behaviour that was being encountered it would not be appropriate for the police to immediately enter the premises. He said their normal approach would be to use police negotiators and to monitor the behaviour of the person and to try and de-escalate the situation using communication and the passage of time to calm the person down⁵⁰. Senior Sergeant Eichner did say that had he felt that there was an imminent threat to life he would have initiated emergency action to enter the building⁵¹. Senior Sergeant Eichner noted that there were a ‘myriad’ of things in the crash repair shop that could have been used as weapons by Mr Trotta. He noted that the use of a taser to control Mr Trotta by a non-lethal means would have been fraught with danger because of the presence of solvents and that an electrical device such as a taser would introduce a flame risk⁵². It was Senior Sergeant Eichner’s opinion that if the vehicle had not caught on fire, in all likelihood Mr Trotta would have been apprehended safely⁵³. In fact, the knife that had been seen in Mr Trotta’s possession by a number of the eyewitnesses earlier in the evening when he was on North East Road, was found within the crash repair premises. It was a large chef style knife which was found on the floor in the premises near a blue coloured air hose line near the office. The knife was ‘foreign to the workshop’⁵⁴.

- 4.14. Brevet Sergeant Fisher was a police fire cause investigator stationed at the police Forensic Response Section. He attended at the scene at 10:32pm on the night of 10 September 2011 and examined the scene. He observed an open fronted metal framed and metal clad spray booth in the front south western corner of the crash repair premises. The spray booth had been severely damaged by fire and was in a collapsed state. Burn patterns indicated that the fire had spread from the front section of the booth. Positioned diagonally across the opening of the booth was a blue coloured Kia Rio motor vehicle. The roof of the spray booth had collapsed onto the front of the vehicle. Brevet Sergeant Fisher saw that Mr Trotta was lying across the

⁴⁸ Transcript, page 121

⁴⁹ Transcript, page 121

⁵⁰ Transcript, page 122

⁵¹ Transcript, page 122

⁵² Transcript, page 124

⁵³ Transcript, page 135

⁵⁴ Exhibit C91a, page 17 and Exhibit C1c

two front bucket seats of the vehicle, with his back towards the dashboard and his head facing the front passenger seat. The floor area within the spray booth was made up of individual metal grates. It was noted by Brevet Sergeant Fisher that the grates below the left front tyre of the vehicle had been displaced and this had caused the front wheel to drop into the pit below the floor, effectively causing the car to become stuck in that position. The vehicle is a front wheel drive so no amount of revving and spinning of the tyres could have released the car from that position. Within the fire debris of the spray booth Brevet Sergeant Fisher noted remnants of rubber from the car tyres and metal plastic material. He did not identify any ignition sources within the area. The burn patterns, however, supported the theory that the fire started from the front left corner of the Kia and then spread through the engine bay and into the passenger compartment. The passenger compartment had been extensively damaged by fire. The windscreen and all other windows, other than the passenger window, had been broken by the effects of the fire. It was Brevet Sergeant Fisher's opinion that there were three possible sources of ignition for the fire:

- 1) The residues of flammable material within the spray booth were ignited by heat generated by the spinning of the front tyre of the vehicle;
- 2) The overheating of the front tyre caused by the heat generated by it spinning;
- 3) The failure of the motor or a motor component caused by the continual over revving of the engine during the incident⁵⁵.

4.15. In my opinion, having regard to the evidence of Sergeant Carrol who observed sparks coming from the spinning wheel after the tyre shredded, it is plain that those sparks led to the ignition of some flammable material, either from the spray booth or from the vehicle.

5. Summary and conclusion

5.1. Police first attended at the crash repair premises at 8:05pm. The fire commenced at 9:18pm, with STAR Group having arrived soon after 9pm. I accept and completely agree with the evidence of Senior Sergeant Eichner and that of Sergeant Carrol that the most appropriate strategy to be adopted in a situation such as this is to 'de-escalate' the situation using time and negotiation techniques. Unfortunately a police negotiator could not be deployed because of the amount of noise and

⁵⁵ Exhibit C91a

Mr Trotta's erratic behaviour. However, had it not been for the fire, it is entirely possible that negotiators might have been successfully employed with the passage of time. The nature of the premises, the fact that Mr Trotta was indeed behaving very erratically and had to hand any number of dangerous items that could be used as weapons, not to mention the knife that he was known to have in his possession, made it imperative that the police adopt a cautious approach and not simply burst into the premises, exposing themselves and Mr Trotta to potentially higher risks than existed if he was allowed to calm down with the passage of time. If police had entered using force while Mr Trotta was in such an agitated condition, it is possible that Mr Trotta and members of the police force may have been injured. It was a dangerous, volatile situation and it was certainly not a matter of entering and simply arresting a compliant person who would be likely to offer no resistance. To the contrary, Mr Trotta had a vehicle which he could possibly have freed and used as a weapon against police, he had a knife, he had any number of other potentially dangerous devices that could be used as weapons and he had many inflammable and dangerous chemicals that he may also have used. It was sensible and appropriate for police to adopt a cautious approach. There was also the possibility that Mr Trotta may have used a vehicle to burst out of the premises if provoked – indeed that was a risk that presented itself and was taken into account by police in any event.

- 5.2. When the police appreciated that a fire had actually commenced and there were flames visible, the MFS was brought forward and was in action within two minutes, taking steps to extinguish the fire. In my opinion the actions of police were entirely appropriate.
- 5.3. In summary, Mr Trotta had been behaving irrationally for weeks prior to this tragic event. It is unfortunate that he did not seek and receive appropriate medical treatment. It would appear that he had access to methamphetamine and this may have been the cause of his erratic behaviour. It may be that he had other mental health conditions that were contributing. In any event, once he was inside the crash repair premises there was little or nothing that could be done by SAPOL other than exactly what was done. It is a sad and tragic fact that Mr Trotta's death was the result of his own chaotic and dangerous behaviour. While his family's grief and distress is entirely understandable, in my view it is inappropriate to be critical of SAPOL and its approach to this incident with a view to suggesting that police were in some way

responsible for Mr Trotta's death. In my view the actions of police on the night were entirely appropriate, well motivated and the police bear no responsibility for Mr Trotta's tragic death.

5.4. I was greatly assisted by the very comprehensive enquiry carried out in this matter by Detective Sergeant Swan whose investigation was thorough and highly professional⁵⁶.

6. Recommendations

6.1. I have no recommendations to make in this case.

Key Words: Death in Custody; Police; Fire

In witness whereof the said Coroner has hereunto set and subscribed his hand and

Seal the 16th day of November, 2015.

State Coroner

Inquest Number 5/2015 (1464/2011)

⁵⁶ Exhibit C96a