

CORONERS COURT OF SOUTH AUSTRALIA

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INQUEST INTO THE DEATH OF MATTHEW KIM MORGAN

[2026] SACC 21

Inquest Findings of his Honour State Coroner Whittle

26 June 2026

CORONIAL INQUEST

Examination of the cause and circumstances of the death of a man who was shot by police during a siege at the Tollgate Motel. The inquest explored the manner in which police approached the incident, whether the potential risks were adequately assessed, whether protective measures were sufficient and whether it was appropriate to end the siege by taking a person's life.

Held:

1. Matthew Kim Morgan, aged 24 years of no fixed address, died at Glen Osmond on 21 October 2017 as a result of gunshot wounds to the chest.
2. Circumstances of death as set out in these findings.

No recommendations made.

Counsel Assisting: MR S PLUMMER

Interested Party: COMMISSIONER OF POLICE

Counsel: MR A KIMBER SC THEN MS F NELSON KC WITH MS L GAVRANICH - Solicitor: CROWN SOLICITOR

Witness: S/CONST T HEWKIN, S/CONST S SCAGLIONE, B/SGT M TOBIASEN, D/SGT L PRATT, INSP M WALSH, C/INSP G HUTCHINS, D/SGT P WARD, D/SGT D LONGBOTTOM, PROF J WHITE, INSP L LEVERINGTON, MR W FETTES, D/B/SGT M RAWE, C/INSP C WOOD, S/CONST B GIBBONS, D/B/SGT S BRUNT, SUPT S ALLISON, SGT S BLUNDELL, C/INSP I B, S/SGT D B, SGT D S, B/SGT P R, B/SGT A C, S/SGT R B, S/SGT J W, B/SGT D A, SUPT D O, S/SGT A L, DR M NASO & INSP L S

Counsel: MR A KIMBER SC THEN MS F NELSON KC WITH MS L GAVRANICH - Solicitor: CROWN SOLICITOR

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Introduction

- 1 Matthew Morgan was 24 years old when he died as a result of being shot three times by a South Australia Police (SAPOL) STAR Operations marksman at the Tollgate Motel on 21 October 2017.
- 2 At about 6 pm on Friday 20 October 2017, uniformed police from the Sturt Local Service Area attended 7 Sampson Road at Mitchell Park regarding enquiries unrelated to Mr Morgan. At this location police spoke to Mr Morgan who was at the address in the company of his wife and another male. Mr Morgan gave police a name which they believed was false and, as police were attempting to establish his true identity, Mr and Mrs Morgan hurriedly left the scene in a white Ford van. Police were suspicious of the behaviour and broadcast the particulars of the incident and the van via police radio.
- 3 A few minutes later, having heard the radio communications, the Ford van was seen by Senior Constable Adam Solowij nearby on Marion Road. The van was stationary, attempting to turn into a side street at the time. Senior Constable Solowij partially blocked the van with his police car and got out while indicating for the driver of the van (Mr Morgan) to stop and get out. Mr Morgan refused to obey those directions and took off as Senior Constable Solowij was holding onto the driver's door of the van, causing Senior Constable Solowij to fall to the roadway and hit his head. The van sped off and was found abandoned at Hallett Cove later that night. Senior Constable Solowij attended hospital and was treated for cuts and abrasions but did not require admission.
- 4 An operation to locate and arrest Mr Morgan in relation to the Marion Road incident was then commenced. This operation was supported by a media release seeking the assistance of the public. Information initially suggested Mr Morgan may be at the Sands Motel at Fullarton and covert surveillance was established. Later, further information indicated that Mr Morgan may be at the Tollgate Motel at Glen Osmond and police attention shifted to that location. At about 7:15 pm on Saturday 21 October 2017, police commenced a door knock of the Tollgate Motel in an effort to locate and arrest Mr Morgan.
- 5 When police went to check Room 11 at the motel, Mr Morgan, who was inside that room, pointed a sawn-off shotgun through the front window towards an unarmed member of police and shouted, 'I have a fucking hostage', refusing to come out.
- 6 Special Tasks and Rescue (STAR) Operations members, who were at the motel assisting with the door knock operation, then declared the incident 'high risk' and cordoned off the area around Room 11. A siege then commenced, with Mr Morgan barricaded in Room 11 with his wife.
- 7 During the siege, Mr Morgan twice discharged his shotgun from the back bathroom window of Room 11. He also set fire to a number of objects in the room before throwing them out the front and rear windows. He improvised an explosion in the room. During this period Mr Morgan refused to comply with numerous police requests for him to put down his weapon and to give himself up. He refused to engage with police in any positive way and made a number of threats.

- 8 A STAR Operations member, Brevet Sergeant DA, formed part of the inner cordon and was positioned in the back room of a neighbouring house at Howard Court, which provided a view from above into the rear bathroom window of Room 11. When Mr Morgan came into view Brevet Sergeant DA fired three shots from his police-issued rifle, each of which hit Mr Morgan in the upper body.
- 9 Although he was given first aid by STAR Operations and paramedics from the SA Ambulance Service, Mr Morgan died at the scene.

Reason for inquest

- 10 Given that Mr Morgan was in the process of being apprehended by police at the time of his death, and that his freedom of movement had been restricted, the circumstances are such that his death was a death in custody. The Court was therefore required by law to hold an inquest into the cause and circumstances of Mr Morgan's death.
- 11 At the inquest, I heard oral evidence from the 26 police members, 11 of whom were members of STAR Operations. I heard expert evidence from forensic pathologist Professor Roger Byard, pharmacologist Professor Jason White, psychiatrist Dr Maria Naso and ballistics expert Brevet Sergeant Michael Tobiasen.
- 12 In addition to the oral evidence, the Court received 370 physical items tendered into evidence, consisting of witness statements, affidavits, notes, emails, recordings, photographs, policy and procedure documents and other documents.
- 13 The most significant issues explored during the inquest can broadly be categorised as:
- how Mr Morgan came to be inside Room 11 with a shotgun;
 - the information police gathered about Mr Morgan and the adequacy of their information gathering process;
 - the manner in which police approached the task of searching the Tollgate Motel;
 - the circumstances that led to a Dog Operations member having a gun pointed towards her head;
 - the manner in which police managed the siege once it commenced;
 - what occurred inside Room 11 prior to Mr Morgan being shot; and
 - the manner in which the siege was ended.

Proof

- 14 The standard of proof to be applied in coronial findings is the civil standard; the balance of probabilities. Where I express a finding of fact in these findings, I have done so on the basis that I am satisfied that that fact was proved as more likely than not on the basis of the evidence I heard and received and consider reliable. In considering making findings which imply or express criticism of individuals, I am guided by the principle enunciated in *Briginshaw v Briginshaw*¹ and I shall not make such a finding unless the evidence leads

¹ *Briginshaw v Briginshaw* (1938) 60 CLR 336

me to a comfortable level of satisfaction that the finding should be made taking into account the nature and potential consequences of the finding.

Content of these findings

- 15 In these findings I shall not summarise all the evidence tendered or heard at the inquest but refer to it only in such detail as is warranted by its forensic significance and the interests of narrative clarity. It should not be inferred from the absence of reference to any aspect of the evidence that it has not been considered.
- 16 I heard a great deal of evidence which was the subject of a general submission that revealing certain police methodology serves little benefit to the general public interest, but may be information of great assistance to those who wish to behave in a criminal or terrorist manner.² I do not wish to assist such people where it can be avoided. As a consequence, I am inclined to limit my discussion of many tactical issues the subject of evidence to a broad summary rather than detailed analysis, where that is possible, to preserve the integrity of the methodology. While I have been able to do so in these findings, in future inquests it may not be possible to the same extent or at all, depending on how critical those methodologies are to the issues under examination and I do not intend to set any expectation about that.
- 17 There were many aspects of the evidence that were disputed. I do not intend to resolve disputes where it is not necessary to do so in order to achieve the purposes of the inquest; to ascertain the cause and circumstances of Mr Morgan's death and to consider whether any recommendations should be made which might prevent a recurrence of a similar event or relating to care, public health and safety or justice. I shall only resolve the disputes raised that I consider are materially important to the coronial purposes.

Cause of death and relevant pathology

- 18 Professor Roger Byard AO, a Senior Specialist Forensic Pathologist from Forensic Science SA, performed a post-mortem examination on Mr Morgan on 24 October 2017. His report was tendered, and he gave evidence at the inquest.
- 19 There were three gunshot wounds to Mr Morgan's body.
- 20 Gunshot wound 1 was to the upper aspect of the right side of the back with underlying injuries to the right lung, diaphragm, liver, stomach and soft tissue. The bullet did not exit the body.³
- 21 Gunshot wound 2 was to the slightly lower aspect of the right side of the back with injuries to the right lung and soft tissues. The bullet did not exit the body.⁴
- 22 Gunshot wound 3 was to the nape of the left side of the neck with injuries to the left second rib, upper lobe of left lung and soft tissue. The bullet exited the body at what is referred to as 'injury 4' on the left side.⁵ This bullet was not located by police.⁶ Injury 3

² T1704

³ T256

⁴ T256

⁵ T256

⁶ T341

was not associated with significant vascular or organ injury and would have been potentially survivable if sustained alone.

- 23 Professor Byard opined that it was not possible to determine the sequence of the wounds, noting that the evidence establishes that they were sustained in rapid succession.
- 24 Professor Byard opined that Mr Morgan's death was attributable to gunshot wounds 1 and 2, and he suggested that Mr Morgan's cause of death ought to be 'gunshot wounds to the chest'. I formally accept Professor Byard's opinion and make a finding to that effect.
- 25 Toxicological analysis of samples of Mr Morgan's blood performed as part of the post-mortem process returned results of 0.02% alcohol, 1.6 mg of methylamphetamine per litre and approximately 0.47 mg of amphetamine per litre.
- 26 An expert pharmacologist, Professor Jason White, gave evidence relating to the relationship between the concentration of drugs in Mr Morgan's blood at post-mortem to the concentration at the time of his death. Applying his extensive experience, he estimated that the concentration of methylamphetamine at the time of death was close to 0.67 mg/L. He considered that the presence of amphetamine was most likely explained as resulting from the metabolism of methylamphetamine rather than separately consumed.
- 27 Mrs Morgan gave evidence that she had shared a 'point'⁷ of methylamphetamine with Mr Morgan before arriving at the Tollgate.⁸ Professor White explained that the concentration of methylamphetamine in Mr Morgan's blood was indicative of someone who had smoked more than half of one point of a gram.⁹ In making his assessment, Professor White had allowed for the possibility that Mr Morgan had smoked a lot in the days prior which built up a level of the drug in his body. He was still certain that more was consumed. Professor White opined that, to reach the concentration in Mr Morgan's body, he would have needed to consume approximately 0.8 grams if he had smoked in the evening, or alternatively about 1 gram if consumption occurred only in the morning. Professor White explained that the consumption of 1 gram of methylamphetamine is a 'very large amount'.
- 28 Professor White's evidence was that 0.67 mg/L is a high concentration. Most regular users have a concentration between 0.1 and 0.5 mg/L when using. At that level, Professor White said a person is 'significantly affected'. It is not likely that Mr Morgan would have slept at that concentration unless he was already severely sleep deprived. Professor White explained that methylamphetamine use can have effects such as risky, impulsive and reckless behaviour, bolstered self-confidence, erratic behaviour, confused thinking, psychosis, aggressive behaviour and impulsiveness. In Professor White's opinion, Mr Morgan would have been profoundly affected by methylamphetamine at the time of his death.

⁷ In illicit drug slang, 0.1 of a gram

⁸ T195

⁹ T1005

Mr Morgan's background

Family background

- 29 Mr Morgan was born on 27 August 1993. He had a sister who was born in February 1995.
- 30 He was the son of Tim Allen and Deborah Morgan. Mr Morgan's parents separated when he was one year old amid allegations of domestic violence. After he moved out, Mr Morgan's father had little contact with him or his sister. His mother moved with her children into a house bought by her parents in Hackham when Mr Morgan was three years old.
- 31 Mr Morgan's grandmother played a large part in his upbringing. He moved in with his grandparents when he was six years old and stayed there for 12 months but would return to stay with his mother most weekends. At 12 years of age, he moved back in with his grandparents and lived there on and off.
- 32 Deborah Morgan recalled in her affidavit that there were some 'really good times' with her son. She remembers when he would stay up late and would ask to brush her hair and that he would tickle the back of her neck. She remembers that as a child, Mr Morgan would love to get up on stage and try to sing. He always wanted to try to make people laugh.
- 33 Ivy Morgan, Mr Morgan's grandmother, said that he was not an angel but that he was always trying to please others and that he only ever wanted the love of his immediate family.
- 34 Mr Morgan was enrolled at Seaview High School but did not regularly attend and did not complete year nine before leaving. At 13 years of age, he connected with his uncle who was a member of the Rebels outlaw motorcycle gang. At this time, Mr Morgan told his mother that he was running drugs for the Rebels and would not go to school, with his truancy leading to him getting suspended.
- 35 As a teenager Mr Morgan sold food at Hindmarsh Stadium, worked at Hungry Jacks and did some work with a mechanic and then in a factory at Lonsdale. For a time, he had a job as a tiler and also spent time working with his mother's partner doing carpentry work. Later, in Queensland, he worked in a plumbing warehouse and as a security guard. He was unemployed at the time of his death.

Marriage to Jami-Lee

- 36 In 2013, Mr Morgan and Jami-Lee Morgan (then Mansell) moved to Queensland. They married while in Queensland on 19 October 2014.
- 37 Mr and Mrs Morgan returned to Adelaide in April 2017 and lived for a short period of time with Mr Morgan's grandmother and then in a rented house at Hallett Cove. Both were continuing to use methylamphetamine.¹⁰ Mrs Morgan said that during that period drugs were a big issue and she described herself and Mr Morgan as being 'all over the

¹⁰ Exhibit C160 at 3

shop'. They separated for about two months due to their drug use and infidelity. Mrs Morgan described Mr Morgan as entering 'a downward spiral'.

Criminal history

- 38 Mr Morgan had a significant criminal history, particularly considering his young age. His antecedent report was received into evidence.¹¹
- 39 Of note are convictions as a juvenile in South Australia for multiple incidents of aggravated assault, breached bonds, breached bail conditions, inducing a witness not to attend or to give false evidence, driving dangerously to escape police pursuit, aggravated serious criminal trespass, theft, and selling a controlled drug.
- 40 From the age of 15 until turning 18, Mr Morgan spent multiple periods in juvenile detention. Upon coming of age, he came to the attention of police again almost immediately. As an adult he was convicted in this State of assault causing harm, breaching bail, stating a false personal detail and driving under disqualification.
- 41 In Queensland between June 2013 and February 2017 Mr Morgan was convicted of driving offences, dishonesty offences, breach of bail and drug offences.
- 42 At the time of his death Mr Morgan was wanted on a warrant for an alleged attempted robbery in Queensland. The matter was to proceed to trial in the District Court in Brisbane, however Mr Morgan did not answer his bail when the matter was called on a few days before the trial and a warrant was issued by the Court. He was also wanted for five other outstanding warrants in Queensland for alleged offending including assault occasioning actual bodily harm, breach of a probation order, breach of bail as well as drug and driving offences.

Mental health history

- 43 From a young age and into adulthood Mr Morgan displayed fits of rage and aggressive behaviour.
- 44 His mother said that at four years of age Mr Morgan ran out into the road in front of a car, purposely trying to kill himself. She said he would often steal knives from the kitchen and hide them in his bedroom.
- 45 In early adolescence Mr Morgan was assessed by a professional. He was said to have presented with a history of early disruptive behaviour occurring in the context of a specific learning disorder with speech and language difficulties, and the onset of illicit substance abuse.
- 46 On 11 May 2004, Mr Morgan attempted to hang himself at school by hooking his school bag over a tree. Just before this, he had attacked a girl in his classroom, severely beating her head against a desk.
- 47 His disruptive behaviour gradually worsened throughout his school years.

¹¹ Exhibit C158o

- 48 In March 2007, Mr Morgan was admitted to the Boylan Ward of the Women's and Children's Hospital, after presenting with his mother who reported he had tried to suffocate himself the night before and tried to hang himself in a shed three weeks earlier.
- 49 Mr Morgan said during a psychological assessment the following day that his great grandfather, referred to as 'Blue Pop', was his father-figure but had died, leaving him sad, lonely and depressed. He said that his behaviour had become worse since the death and when people were in his personal space he was 'very touchy', overwhelmed and would hit people or take it out on himself by hitting himself or banging his head. He said that he had wanted to commit suicide to join Blue Pop as he was probably lonely 'up there', and that without him 'down here' there was no reason to be alive. He went on to confirm that he was feeling suicidal and homicidal; 'like I'll kill someone or kill myself'.¹² He said that he wanted to kill himself to end the pain, mentioning that there were stressors at home as he would fight with his mother and sister, plus the death of Blue Pop, schoolwork and financial strains on the family. He also said that he had started smoking cannabis after his great grandfather died and was teased at school, being called 'Ratty'.
- 50 On 16 August 2010 Dr Bridget Warnes, a psychiatric registrar, referred Mr Morgan to CAMHS regarding difficulties with impulse control and conduct. Dr Warnes said that Mr Morgan had been prescribed risperidone to assist with his conduct and affect regulation, which had been managed by a paediatrician, Dr Chris Lamb. She said that Mr Morgan had engaged positively in anger management while at the Cavan Training Centre and that after his release she would recommend his medication dosage being reduced. She said that he should be encouraged to manage his conduct without the support of antipsychotic medication. Mr Morgan ceased using risperidone in October 2010.
- 51 On 15 July 2012, Mr Morgan was detained at the Royal Adelaide Hospital under section 21 of the *Mental Health Act 2009*. Mr Morgan had attempted suicide by taking a large quantity of pills following the breakdown of his relationship with his girlfriend of six months.¹³ He was agitated and aggressive with hospital staff and admitted that he had had suicidal thoughts since he was seven or eight years old. He was released from hospital on 21 July 2012 at the conclusion of the detention.
- 52 On 17 September 2015, Mr Morgan was seen by a prison psychologist at the Arthur Gorrie Correctional Centre in Queensland after a notification of concern was raised, following a phone call from Mrs Morgan who reported that he had threatened suicide during their phone call that morning. This was confirmed upon review of prisoner calls.
- 53 Progress notes made on 2 October 2015 by a prison psychologist indicated that Mr Morgan reported hearing a voice and was uncertain whether it was his own or the voice of another person and described it as a 'running commentary occasionally commanding him to harm others or to commit suicide'.¹⁴
- 54 Prisoner mental health screening documentation completed in Queensland on 23 August 2016, indicated that Mr Morgan had tried to hang himself one year prior. It was also

¹² Exhibit C163 at 116

¹³ Exhibit C161 at 43

¹⁴ Exhibit C162 at 132

documented that on 26 July 2015 and 19 February 2016 that he had been placed under observation for suicidal ideation and commanding auditory hallucinations.

Expert psychiatric evidence

- 55 On the topic of Mr Morgan's mental health, the Court heard expert psychiatric evidence from Dr Maria Naso, who reviewed the material, including Mr Morgan's medical records, and provided a report and oral evidence. Firstly, Dr Naso gave evidence about the severity and significance of Mr Morgan's antisocial personality disorder when combined with his methylamphetamine abuse. Dr Naso explained that the fact that Mr Morgan was being treated with risperidone (an antipsychotic) when he was not psychotic likely illustrates the extent of his aggression as a 10-year-old child. She said that in the circumstances the antipsychotic was being used as a chemical restraint. Dr Naso explained that there is a spectrum of behaviours for those with antisocial personality disorder and that Mr Morgan was likely at the 'severe' end as the behaviour had started so early.
- 56 Dr Naso gave evidence that at the time of his death, Mr Morgan had 'all the ingredients for a drug induced psychosis'.¹⁵ Dr Naso opined that his bizarre behaviour was outside what one might expect from somebody who was purely under the influence of methylamphetamine. She explained that there are studies that indicate that people with antisocial personality disorder, who are also under the influence of methylamphetamine, have an increased risk of harming others.

The circumstances leading to the siege and its resolution

- 57 The Court was greatly assisted by the evidence of Jami-Lee Morgan. I acknowledge the difficult nature of the task of a family member giving evidence in an inquest and thank Mrs Morgan for assisting the Court. It has allowed me to understand the important personal context within which the siege occurred.
- 58 Mrs Morgan said that upon their return to Adelaide from Queensland, Mr Morgan came to be in possession of a handgun.¹⁶
- 59 In the two to three months before Mr Morgan's death, after their period of separation, they lived together in various places including low-cost hotels, camping, or with friends. That is the background on which they came to be staying at the Tollgate Motel on the night of Mr Morgan's death.
- 60 On or about 14 October 2017, the couple moved into Room 6 at the Tollgate Motel, which they took on a weekly basis. After the incident in which Mr Morgan struck Senior Constable Solowij with his van, Mr Morgan did not wish to go back to the Tollgate Motel, so on 20 October 2017 they stayed at the Sands Motel. On 21 October 2017 they returned to the Tollgate Motel, where they took Room 11 for a week. There Mrs Morgan became aware that Mr Morgan was carrying a shotgun in his bag.¹⁷ He told her that their lives had been threatened and that he needed the shotgun because he owed money to some people.

¹⁵ T2935

¹⁶ T114

¹⁷ T118

Evading police

- 61 I turn now to the events which led to Mr Morgan's death, which began the day before his death, on Friday, 20 October 2017.
- 62 That afternoon, Mr Morgan drove his white van to pick up an acquaintance, Pawel Buzniak. Mrs Morgan was in the back of the van. They drove Mr Buzniak to an address on Sampson Road at Mitchell Park.
- 63 Senior Constable Gordon Scott and Senior Constable Seanagh O'Loughlin attended that address shortly before 6 pm for reasons unconnected to Mr Morgan. They were in the process of verifying the names of people present outside the address for the purposes of their investigation, when Mr and Mrs Morgan got into their van and Mr Morgan drove off, with Senior Constable Scott banging on the windows and shouting before jumping clear of the van.¹⁸
- 64 The members arranged for a description of the van to be broadcast via police radio. At that time Mr Morgan had given his name to Senior Constable Scott as 'Ryan Walsh'¹⁹ and his true identity was not yet known to police.
- 65 Senior Constable Solowij was on uniform duties in an unmarked police vehicle and heard the alert over the police radio. He was driving on Marion Road when he saw the Ford van. He blocked the van in by stopping his own vehicle in front of it as it was waiting to turn before he got out and yelled at the driver to stop and get out of the vehicle.²⁰ Senior Constable Solowij also held on to the driver's door window with both hands. Mr Morgan appeared panicked, revving the engine while attempting to reverse.
- 66 After creating space, the van accelerated away and Senior Constable Solowij was dragged several metres before landing on the roadway. He sustained abrasions and a concussion.²¹ He attended the Flinders Medical Centre for assessment and was discharged some hours later.
- 67 Mr Morgan drove to Hallett Cove where he had left a blue Renault which they were trying to sell. They left the van and drove the Renault to the Tollgate Motel where they had been staying. Later in the evening, they drove to the Sands Motel at Fullarton where they slept that night. While there they saw information on the news about the Marion Road incident.²² Mrs Morgan said that there was no discussion about Mr Morgan turning himself in and that it simply did not occur to her.

Commencement of the investigation

- 68 In the meantime, Sturt Criminal Investigation Branch (CIB) commenced an investigation into the incident on Marion Road.
- 69 Acting Detective Sergeant Dwayne Longbottom commenced his shift at 3 pm and it was just after 6 pm that he became aware of the incident at Mitchell Park. About three minutes later he heard over radio that the same van had 'run down' a police member on Marion

¹⁸ Exhibit C63 at [12]

¹⁹ Exhibit C62 at [12]

²⁰ Exhibit C64 at [13]

²¹ Exhibit C64 at [17]

²² T405

Road.²³ Acting Sergeant Longbottom immediately drove to the scene with his shift partner, Brevet Sergeant Tyson Mobbs, arriving at 6:20 pm. On arrival, he was briefed by Senior Constable Sebastian Brunt. In relation to the information he received, in his evidence Acting Sergeant Longbottom was not sure whether Senior Constable Brunt used the word ‘deliberately’ or whether that was merely his interpretation. However, he said ‘There wasn’t really any ambiguity around it, it was essentially – from the briefing I received, it was that he had been driven at and that we were looking at an act to endanger life of Solowij’.²⁴ While at the scene Acting Sergeant Longbottom received a phone call from Intelligence Officer Brevet Sergeant William Fettes who told him that the possible suspect was Mr Morgan. Brevet Sergeant Fettes had performed a registration check on the vehicle and found a disposal notice in the names of ‘Jami-Lee and Matt Mansell-Morgan’.²⁵

- 70 Acting Sergeant Longbottom noted the ownership link. Further, he observed that Mr Morgan's description matched that provided by Senior Constables O'Loughlin and Scott of the male who had driven off from them at the Mitchell Park address. Lastly, the date of birth provided by the male using the name Walsh to Senior Constable O'Loughlin was the same as Mr Morgan's, namely 27 August 1993.²⁶ Acting Sergeant Longbottom ascertained that Mr Morgan was already flagged as wanted for alleged offences of serious criminal trespass in August 2017 and a police pursuit in May 2017, both in South Australia.²⁷ I will explore Acting Sergeant Longbottom’s investigation into Mr Morgan’s background in detail later. He made communications that revealed his view that Mr Morgan presented a risk to the police trying to apprehend him.
- 71 Acting Sergeant Longbottom provided a briefing over the phone to his supervisor, Acting Detective Chief Inspector Lauren Leverington, at about 6:20 pm.²⁸ Acting Chief Inspector Leverington was off duty but on call. At about 7 pm, Acting Sergeant Longbottom was provided with three mobile phone numbers that were associated with Mr Morgan. These were provided by a detective at South Coast CIB, who had obtained the numbers from Mr Morgan’s grandmother.²⁹
- 72 Acting Sergeant Longbottom returned to the Sturt Police Station and assigned different tasks to various members of his team. Among those tasks, Brevet Sergeant Mobbs was asked to research the serious criminal trespass and police pursuit investigations in an attempt to identify any further potential lines of inquiry.
- 73 Soon afterwards he again liaised with Brevet Sergeant Fettes to advance the information gathering exercise and about various inquiries Brevet Sergeant Fettes had made regarding the white van. At this stage, Brevet Sergeant Fettes advised Acting Sergeant Longbottom that Mr Morgan had significant history in Queensland, including having previously been found in possession of a firearm.³⁰

²³ T879

²⁴ T882

²⁵ T883

²⁶ Exhibit C66a at [12]

²⁷ Exhibit C158I

²⁸ T887

²⁹ T886

³⁰ Exhibit C66a at [19]

- 74 At about 7:27 pm Acting Sergeant Longbottom received information that South Coast Intelligence Section had located a Facebook post on Mr Morgan's account from seven hours earlier which stated 'I'm off the rails cunt' or similar.³¹
- 75 A briefing was held at 8:49 pm.³² It was led by Acting Chief Inspector Leverington but commenced by Acting Sergeant Longbottom. Inspector Michael Walsh, the Metropolitan Duty Inspector, attended part way through the briefing. The briefing involved the formation of a plan to locate Mr Morgan, including searching a number of addresses connected to Mr Morgan, with the assistance of the Sturt Tactical Team and using STAR Operations as extra resources.³³ It was also formally decided that a live CAD would be placed on Mr Morgan's mobile phone and that Acting Sergeant Longbottom would liaise with the State Intelligence Branch for the issuing of an Operational Alert.³⁴
- 76 Enquiries continued in an effort to locate Mr Morgan, including checking addresses of associates and family members and commencing a prospective data ('live CAD'/mobile phone triangulation) application with a view to identifying the general location of Mr Morgan's phone. A media release seeking the assistance of the public in locating the driver of the van had been issued by the SAPOL Media and Public Engagement Section just after 7 pm. At about 9:30 pm, Sergeant Shaun Blundell of the State Intelligence Branch began preparing an Operational Alert in relation to Mr Morgan after being requested to do so by Acting Chief Inspector Leverington and Acting Sergeant Longbottom. The Operational Alert was drafted in consultation with Acting Chief Inspector Leverington and Acting Sergeant Longbottom and the alert was subsequently approved by Inspector Kevin Lawton of the State Intelligence Branch at about 12:27 am on Saturday, 21 October 2017. The Operational Alert was then circulated by the SAPOL Communications Centre (Comcen) to all SAPOL members via email. The Operational Alert advised all operational police of the Marion Road incident, the fact that Mr Morgan was suspected to be the offender and warning that he may pose a risk to police. I will discuss this Operational Alert in greater detail later.
- 77 The Ford van was located overnight and examined, as a result of which a second media release was issued just before 7 pm on Saturday, 21 October 2017.

The events of Saturday leading to the Tollgate Motel

- 78 Detective Brevet Sergeant Mark Rawe was the Acting Sergeant on duty from 7 am. He had been in that position, 'only a couple of weeks on this occasion while someone was on leave'.³⁵ However, he had acted in that position 'quite a few times'.
- 79 During the course of the shift the live CAD on Mr Morgan's mobile phone became active. Acting Sergeant Rawe understood that the mobile phone was recorded to have placed a call to the Sands Motel and so that location became the focus of the search.³⁶ Acting Sergeant Rawe spoke with the manager of the Sands Motel, who advised that a woman had stayed there the previous evening and had rung back to stay for a further seven nights. Acting Sergeant Rawe then arranged for members of the State Tactical Group and STAR

³¹ Exhibit C66a at [20]

³² T889

³³ T890

³⁴ T893

³⁵ T1231

³⁶ T1194

Operations to assist as extra numbers to conduct investigations at that location. Acting Sergeant Rawe did not give any consideration during his shift as to whether or not the search for Mr Morgan was ‘high risk’ as defined in the relevant General Order. He said ‘[t]he fact is I never thought he was high risk and there was no reason to think that’.³⁷ During his evidence, information from Mr Morgan’s interstate criminal history was put to Acting Sergeant Rawe³⁸ and he agreed that it would have made him consider whether Mr Morgan posed a high risk if he had been advised of it.³⁹

- 80 Acting Sergeant Rawe had available to him the Operational Alert and a Commissioner’s Briefing Paper, neither of which led to him making any inquiries in SAPOL databases as to the warnings attached to Mr Morgan.⁴⁰ He was also sent an email⁴¹ in which Acting Sergeant Longbottom forwarded an email from Brevet Sergeant Fettes setting out results of his intelligence checks, including ‘found that he was recorded on SAPPS in Queensland from 2013-2017 with a lot of history and several warrants’.⁴² The email from Brevet Sergeant Fettes did not include the important detail which he had provided verbally to Acting Sergeant Longbottom, that the history in Queensland included being found in possession of a firearm. Acting Sergeant Rawe did not make any further enquiries about the Queensland history. Acting Sergeant Rawe told the Court:

I think we were just more focused on trying to locate him in our area at that time. I didn’t even think to look at any other history, apart from what was being immediately sought.⁴³

- 81 Acting Sergeant Longbottom gave evidence that there is a point at which police must change course from investigating intelligence and turn to acting.⁴⁴ I agree with Acting Sergeant Longbottom’s sentiment, however I do not consider it to be onerous to review the entirety of a person’s criminal history, in South Australia as well as interstate, in a serious investigation of the nature that was commencing. It was incumbent on police, particularly those leading the investigation, to have a high level of understanding of the background of the man they were searching for, who was suspected to have harmed a police member and appeared to be actively evading police.
- 82 Acting Sergeant Rawe assumed that he would be provided with any relevant intelligence in relation to Mr Morgan’s priors interstate.⁴⁵ He also assumed that someone had done the full ‘intelligence workup’ on Mr Morgan and that it must have been unremarkable.⁴⁶ Given that Acting Sergeant Rawe was dealing with a continuing investigation, had received a number of emails, an informal briefing, a formal briefing and had read an Operational Alert and even a Commissioner’s Briefing Paper, I find it hard to criticise Acting Sergeant Rawe for taking this approach. On the contrary, I find it to be quite reasonable for him to have expected such important information to be mentioned in any one of those forums by the time of Saturday.

37 T1196

38 T1232

39 T1234

40 T1206

41 Exhibit 66h

42 T1208

43 T1208

44 T994 and T952

45 T1209

46 1212

- 83 Although I understand why Acting Sergeant Rawe did not conduct additional background checks or ask for confirmation that those checks had been done and were unremarkable, it had the consequence of furthering the failure of those investigating to have a full understanding of the potential risks presented by Mr Morgan and being able to inform those taking over for the next shift.

Handover briefing

- 84 Detective Sergeant Lindsay Pratt next took over management of the investigation. Sergeant Pratt spoke with Acting Sergeant Rawe by phone prior to commencing his shift at 3 pm.⁴⁷ Police were monitoring the live CAD which was showing the location of Mr Morgan's mobile phone as being at the Sands Motel.
- 85 By 3 pm, Sergeant Pratt had been advised during a phone call with the surveillance sergeant that operatives were being put in place at the Sands Motel.⁴⁸ Sergeant Pratt said that during that call he 'made it acutely aware that in [his] belief it was not high risk'.⁴⁹ He gave evidence that he had made that assessment upon the information he had at that time. It is evident this did not include the details of the events of the previous night (including Acting Sergeant Longbottom's assessment), nor did it include consideration of Mr Morgan's mental health history or criminal allegations interstate. Sergeant Pratt told the Court that he did not believe that the hitting of the police member was an act of 'deliberate violence' and therefore the circumstances did not meet the criteria of high risk.⁵⁰ He said he believed the situation to be 'low to medium risk'. He took into account Mr Morgan's criminal history to the extent that he was aware of it, but it appears that he was unaware of Mr Morgan's time and criminal history in Queensland.⁵¹ It is perhaps unsurprising that, in the absence of a proper assessment of the full circumstances, Sergeant Pratt would reach such a conclusion. However, I consider that a member of police should not make such assessments without being aware of, and having reviewed, all relevant information that is available, particularly where that member is required to direct the actions of other members.
- 86 At the commencement of his shift at 3 pm, Sergeant Pratt conducted a briefing in the sergeant's office at the Sturt Police Station. Acting Sergeant Longbottom, Senior Constable Adam Wheatley, Brevet Sergeant Kelly Weston, Senior Constable Brunt, Brevet Sergeant Mobbs and Brevet Sergeant Shenae Sketchley were present.⁵² Sergeant Pratt told the Court that at that briefing he told those present that in his opinion 'our ongoing investigations were not high risk'.⁵³ It is unclear why Sergeant Pratt felt the need to be so adamant about telling everyone the matter was not high risk and why he did that multiple times without a full understanding of Mr Morgan's background.
- 87 Acting Sergeant Rawe had no recollection of forwarding to Detective Sergeant Pratt any of the emails that he had received.⁵⁴ As I have observed, they did not in any event include the information that the Queensland history included being found in possession of a

47 T471

48 T486

49 T486

50 T487

51 T488

52 Exhibit C172 at [17] and T495

53 T496

54 T1224

firearm. As will also be seen, even if he had done so, Detective Sergeant Pratt would not have read them because he did not check his emails.

Shift of focus to the Tollgate Motel

- 88 According to Mrs Morgan, during the morning of 21 October 2017, she and Mr Morgan went for a drive and consumed methylamphetamine. They went back to the Tollgate Motel, where this time they were placed in Room 11 and, at about 1 pm, they fell asleep.
- 89 After police commenced their operation conducting surveillance on the Sands Motel, the live CAD updated, indicating that Mr Morgan's phone was at the Tollgate Motel. This prompted the formulation of another operation to locate Mr Morgan at the Tollgate. The operation was to be led by Sturt CIB members.
- 90 Police abandoned the covert surveillance of the Sands Motel and commenced covert surveillance of the Tollgate Motel.

Involvement of STAR Operations

- 91 Sergeant Pratt spoke with Senior Sergeant DB of STAR Operations who agreed to provide police members to assist with a door knock operation at the Tollgate. Senior Sergeant DB was not at work at the time. Senior Sergeant DB spoke to Acting Sergeant DS who was the Acting Team Leader who took responsibility for the STAR Operations members involved in the Tollgate operation. Acting Sergeant DS then spoke to Sergeant Pratt at about 6:36 pm.⁵⁵ He said that he formed the view that 'it was quite a simple task we were being asked to complete, undertake... it was a simple request and there wasn't sort of, yeah, any ambiguity about it...'.⁵⁶
- 92 Senior Sergeant DB gave evidence that he had no knowledge of any allegation of possession of a handgun in the previous four years.⁵⁷ He agreed that this and other information might have altered the risk assessment and he agreed that this should have been brought to his attention.⁵⁸
- 93 Acting Sergeant DS gave evidence that there was no parade of STAR members at the commencement of this shift. He described this as unusual and likely related to Senior Sergeant DB not being in the workplace.⁵⁹ Without a parade, there was no discussion in relation to the Operational Alert which had been issued, something which would usually be discussed at such a meeting.⁶⁰ Acting Sergeant DS had no recollection of having independently read the Operational Alert. Acting Sergeant DS gave evidence that, given there was no parade, they had been tasked to attend to assist with the Tollgate operation, which they simply commenced immediately.⁶¹

⁵⁵ Exhibit C186 at [4]

⁵⁶ T2023

⁵⁷ T1914

⁵⁸ T1914

⁵⁹ T2053-2056

⁶⁰ T2028

⁶¹ T2062

Arrival at Glen Osmond staging area

- 94 Sergeant Pratt assumed responsibility for the Tollgate search for Mr Morgan. A rendezvous point was organised near the corner of Fullarton Road and Cross Road at the Waite Arboretum and Sergeant Pratt arrived at that rendezvous point with Senior Constable Brunt and Acting Sergeant Longbottom within 45 minutes.⁶² This became a staging area. They remained at that location coordinating the search and awaiting the arrival of all resources for the on-site briefing at about 6:50 pm.⁶³ From that location Sergeant Pratt spoke with the Surveillance Sergeant, the STAR Operations Senior Sergeant, the State Tactical Group Sergeant, Acting Chief Inspector Leverington and other police members keeping them abreast of the live CAD updates.⁶⁴ He estimated that he had ten phone calls with Acting Chief Inspector Leverington throughout the evening.⁶⁵ Sergeant Pratt also spoke with Brevet Sergeant Mobbs at 6:15 pm, who informed him that the live CAD indicated a ‘pin drop’ at the Tollgate Motel.⁶⁶ Brevet Sergeant Mobbs subsequently advised that there were further ‘pings’ at that location and the phone was being turned off and on (i.e. actively being used). Sergeant Brent Wilson was tasked to the motel reception to see if Mr Morgan’s name was in the register.⁶⁷
- 95 While *en route* to Glen Osmond, Sergeant Pratt had spoken by phone to Inspector Walsh who was the Metropolitan Duty Officer, and who had been on duty and attended the scene after Senior Constable Solowij had been struck by Mr Morgan’s van. Sergeant Pratt requested Inspector Walsh’s attendance at the Tollgate Motel to assume the role of Police Forward Commander. Inspector Walsh told the Court that his attendance was required because ‘it was a significant operational incident albeit it was a low risk incident or operation’.⁶⁸ They specifically discussed the risk level and agreed that the circumstances would not be high risk.⁶⁹ Inspector Walsh said that he assumed he had been told all relevant information and that Sergeant Pratt’s checks had been thorough, including covering off on antecedents, local and interstate.⁷⁰ When presented during his evidence in the inquest with some of the concerning information about Mr Morgan that I have detailed, Inspector Walsh said that if he had been advised of it, it would have generated a close examination of the question of risk. He countered that with a consideration that containing Mr Morgan was a time-critical task. He did not suggest that such a consideration would usually override the need for a proper safety assessment for a police operation which, in my opinion, it did not in this case.
- 96 Upon the understanding that the matter was time-critical, Inspector Walsh headed straight for the Tollgate Motel without attending the briefing at the Arboretum. Inspector Walsh said that if he had understood that there was no urgency, he would have asked Sergeant Pratt to delay the briefing so he could attend, rather than going straight to the motel.⁷¹
- 97 Sergeant Pratt organised and led a briefing at the staging area which included members of Sturt CIB, State Tactical, STAR Operations and STAR Dog Operations. Brevet

62 T509

63 T514

64 Exhibit C172 at [22]

65 T515

66 T516

67 T518

68 T672

69 T733

70 T737

71 T745

Sergeant DA, the STAR Operations member who would later shoot Mr Morgan, was present for the briefing.

98 Sergeant Pratt's briefing included information about Mr Morgan. The plan discussed was to perform a door knock at the motel to locate Mr Morgan and safely arrest him. I accept entirely that the mission was to apprehend and detain Mr Morgan.

99 Sergeant Pratt said that before the briefing he tasked Senior Constable Brunt with conducting appropriate checks in relation to whether Mr Morgan was in possession of a firearms licence, or if he was in possession of any guns or had any guns licensed to him. Sergeant Pratt gave evidence that he received a response that, 'They were all negative'.⁷² Acting Sergeant Longbottom also told the Court that during the briefing he requested Senior Constable Brunt to make inquiries about Mr Morgan's history to specifically consider whether there was any information which might suggest he could have access to a firearm on that day. As I have mentioned, Acting Sergeant Longbottom had been told by Brevet Sergeant Fettes the previous day that Mr Morgan had significant history in Queensland including previously being found in possession of a firearm.⁷³ Acting Sergeant Longbottom said in evidence:

... as you could understand the mention of a firearm, albeit even if it's historical, that's something of concern.⁷⁴

100 This was an understandable concern of Acting Sergeant Longbottom and of Sergeant Pratt.

101 Acting Sergeant Longbottom said that Senior Constable Brunt made some enquiries over the phone and then returned and spoke at the briefing. He said that Senior Constable Brunt briefed that in 2010 Mr Morgan had a replica firearm but that there was no other information to suggest that he had a firearm or had access to any firearms.⁷⁵ Senior Constable Brunt gave evidence that his recollection was that it was Sergeant Pratt who directed him to seek the further information about the warning 'may be armed'.⁷⁶

102 Senior Constable Brunt said that he had stepped out of the briefing and contacted Brevet Sergeant Corie Bellinger who was working in Intelligence at Sturt.⁷⁷ Senior Constable Brunt gave evidence that Brevet Sergeant Bellinger told him 'He's got priors for possess replica firearm and edged weapons in Queensland offending'.⁷⁸ Senior Constable Brunt clarified in his evidence that the 'replica firearm' information was from 2010 and was separate from the edged weapons information.⁷⁹ Senior Constable Brunt recalled that he had found out that the 'may be armed' warning related to edged weapons and he said that he conveyed that to the briefing.

103 It appears that Brevet Sergeant Bellinger must have accessed the South Australian Police Person Search (SAPPS) system.⁸⁰ I say that because details such as there being

⁷² T520

⁷³ Exhibit C66a at [19]

⁷⁴ T938

⁷⁵ T938

⁷⁶ T1540 and T1592

⁷⁷ T1579

⁷⁸ T1541

⁷⁹ T1577 and Exhibit C83a at Annexure C

⁸⁰ A system which permits the sharing of limited information between police forces across the country (see T565, T914)

Queensland offending and that it related to edged weapons could only have come from the SAPPS. The SAPPS warnings list⁸¹ includes Queensland warnings, among them two headed 'Armed', one stating that a knife was used in an attempted armed robbery, with an added note, 'Morgan aware that he is [wanted for questioning] by police and may try any means necessary to avoid detention or apprehension' and one stating that on 23 May 2015 Mr Morgan had threatened a person with a handgun while in a vehicle.

- 104 I find it difficult to understand how a check of SAPPs that revealed Mr Morgan's interstate history of possession of edged weapons would not have also revealed to Brevet Sergeant Bellinger the relatively recent Queensland handgun allegation from 2015, which was highly relevant to the police who were about to attempt to arrest Mr Morgan. If Brevet Sergeant Bellinger did see that entry, it is almost inconceivable that he would not have passed it on to Senior Constable Brunt. If it was passed on to Senior Constable Brunt it is again almost inconceivable that he would not mention it in his presentation to the briefing. Neither Sergeant Pratt nor Acting Sergeant Longbottom, nor any other person present at the briefing, gave evidence that there was any mention of Mr Morgan being alleged, in one of the 'Armed' warnings, to have threatened a person with a handgun in a vehicle while in Queensland.
- 105 Brevet Sergeant Bellinger did not give a statement and was excused from giving evidence after the Court was provided with evidence establishing medical reasons he could not do so. Accordingly, I have no evidence of what he looked at and what he conveyed to Senior Constable Brunt other than the evidence from Senior Constable Brunt, who provided two statements⁸² and attended to give oral evidence. I have no reason not to accept the evidence of Senior Constable Brunt as to what he was told and what he then conveyed to the briefing, and I do accept it. Without any explanation from Brevet Sergeant Bellinger, I am unable to make any finding as to exactly what Brevet Sergeant Bellinger did or failed to do which led to him not advising Senior Constable Brunt of the Queensland 'Armed' warning based on the allegation of Mr Morgan having threatened a person with a handgun in a vehicle in 2015. Nevertheless, I find what is factually plainly obvious to me; that Senior Constable Brunt was not given this information.
- 106 It is unfortunate that, because most members had not received a full account of the information available to SAPOL, and although Sergeant Pratt made a final request for information about Mr Morgan's history, the full details of the Queensland matters were not uncovered. Notwithstanding that I am disadvantaged by not having heard from Brevet Sergeant Bellinger, there is no reason to think that it is likely to happen again, irrespective of the specific explanation.
- 107 Notwithstanding that Acting Sergeant Longbottom had considered the operation the day before to be high risk, he gave evidence that he was comfortable that he was attending the Tollgate Motel in a 'non-high risk setting'. He referred to the fact that he was now comforted by the information that the 'prior' relating to a firearm was only a replica and that there was no other information to suggest that Mr Morgan had access to a firearm.⁸³ I observe that although Brevet Sergeant Fettes had told him that Mr Morgan's significant history in Queensland included being found in possession of a firearm, it is not

⁸¹ Exhibit 83a Annexure G

⁸² Exhibits C70 and C70a

⁸³ T938

unreasonable for Acting Sergeant Longbottom, in the face of a further intelligence check being requested by Sergeant Pratt and having been conducted (by all appearances), to have concluded that the replica firearm referred to by Senior Constable Brunt must have related to the incident Brevet Sergeant Fettes had told him about the previous day. Acting Sergeant Longbottom also explained that he was no longer the Sergeant or the decision-maker, and that 20 hours had passed which meant that he was no longer in possession of the most recent information.⁸⁴ It is clear that Acting Sergeant Longbottom had considered that the responsibility for the operation had passed to Sergeant Pratt and that it was not his role to disagree with decisions made by those responsible for this operation. It might also have been that Acting Sergeant Longbottom did not consider it his place to disagree with a superior,⁸⁵ as he said was the case with Acting Chief Inspector Leverington.

- 108 I accept that despite a final intelligence check, the most serious parts of Mr Morgan's history and intelligence holdings were not presented at the briefing, and I accept that Sergeant Pratt formed the view that there was nothing of particular concern presented to him.
- 109 Acting Sergeant DS who was present at the briefing gave evidence that if he had been aware of the full extent of Mr Morgan's history, he would have telephoned Senior Sergeant DB to discuss the operation and he would likely have paused the STAR Operations' involvement pending further consideration.⁸⁶
- 110 When asked whether Sergeant Pratt sought any feedback at this briefing, Acting Sergeant Longbottom said, 'No I don't recall him seeking any feedback at all'.⁸⁷ Acting Sergeant Longbottom told the Court that he had attended numerous other briefings by Sergeant Pratt and that he had worked with Sergeant Pratt in other roles. He said that it was not usually Sergeant Pratt's practice to seek feedback on certain decisions at the end of briefings. Acting Sergeant Longbottom said '...he's usually a reasonably direct personality, and he essentially leads the operation and knows what he wants done, and that's the decision he's made'.⁸⁸ In relation to seeking feedback at briefings, Sergeant Pratt said 'At the end of the briefing that is what I always do'.⁸⁹ Sergeant Pratt reiterated this point specifically in relation to the briefing at 6:50 pm at the staging area when he gave evidence:

As I do with all my briefings I gave all of those people that were present an opportunity to have some input as to whether they agreed with the high risk assessment and/or the course of action that we were about to take.⁹⁰

- 111 By the end of the briefing Sergeant Pratt still had no knowledge that Mr Morgan had ever been interstate,⁹¹ nor of his offending involving weapons, the allegation of having threatened a person with a firearm, and an assessment that he knew he was wanted by

⁸⁴ T938

⁸⁵ Sergeant Pratt was a substantive Sergeant

⁸⁶ T2824

⁸⁷ T983

⁸⁸ T983

⁸⁹ T499

⁹⁰ T527

⁹¹ T530

police. None of those things had been the subject of discussion at the briefing and it is therefore unsurprising that no person present (whether they felt able to or otherwise) raised any issue with the approach being taken to the matter.

- 112 This was unfortunate, as it had the result of placing the members participating in the operation in circumstances of risk which was attended by factors of which they were unaware and for which they were inadequately prepared. It was fortunate that no member of police lost their life that day. It is testament to the skills of the members involved that when they were confronted with a sudden armed siege situation, they were nevertheless able to respond and adapt and resolve it without harm to anyone but the besieged individual.
- 113 Given that none of the members in the briefing had the relevant information required in order to fully understand the risk attendant upon the operation, I consider that there is no criticism to be made of their collective approach, which was based on the information they had. The final opportunity to rectify that lack of information was the referral to an intelligence officer during the briefing. Even though I have not heard from Brevet Sergeant Bellinger, I can guess that he would have been made aware that the briefing was under way and would have been conscious of the pressure of time, which may well explain why all of the information available in the intelligence holdings was not advanced to Senior Constable Brunt. I reach no conclusion about this. Rather, it is an observation that if an intelligence officer is to be asked to provide information about the target of an operation, it would be much better if that request was not left until the last minute.

Tollgate Motel

- 114 The group of police then attended at the Tollgate Motel at 7:15 pm. A cordon of guarding members was established around the motel. The surveillance members who had been placed in positions of tactical advantage were also still in place and the door knock was commenced.
- 115 A CCTV camera was operating and recording throughout the incident and captured much of the relevant activity outside Room 11. A compilation video was produced which amalgamated several sources of footage, including from the CCTV, together with audio sources which included radio transmissions. Some of the audio was able to be enhanced to assist in comprehending it.⁹² Preparation of it involved aligning sources with varying timestamps.⁹³ This compilation video was tendered into evidence⁹⁴ and was particularly informative during the inquest, as it provided an objective understanding of the overall events that occurred and the sequence in which they occurred.
- 116 Mrs Morgan gave evidence that upon hearing people outside the room, Mr Morgan asked her, 'What do I do?'.⁹⁵ Mr Morgan then put gloves on and took the shotgun out of his bag. We now know from the combination of the evidence from the toxicologist, Professor White and Dr Naso that Mr Morgan was profoundly affected by methylamphetamine

⁹² Exhibit C155 at [12]

⁹³ Exhibit C155 at [40]

⁹⁴ Exhibit C155q

⁹⁵ T131

when he made the decision to take out the shotgun and in the decisions that followed. Mrs Morgan gave evidence that she was terrified.⁹⁶

- 117 At 7:20 pm, Acting Sergeant Longbottom approached Room 11 as other members had reported difficulty opening the door. He had received room keys from motel staff. As Acting Sergeant Longbottom attempted to unlock the door, he heard a male voice from inside the unit yell loudly, 'I have a fucking hostage'. Acting Sergeant Longbottom immediately moved away, placing himself behind a STAR Operations member.
- 118 At that moment Senior Constable Tina Hewkin, a member of Dog Operations, was standing in the middle of the motel carpark with her dog PD Marley when she heard people yelling, 'dog, dog, get the dog'. She ran with PD Marley to the front of Room 11 where police were urging Mr Morgan to exit the room. Senior Constable Hewkin was in front of the window when she saw what she described as a double barrel side-by-side shotgun pointed out the window at head height between the lace curtains. It was about 20 centimetres from her head pointed towards her right ear. Senior Constable Hewkin yelled 'gun, gun' and all police present ran away from the room or at least moved out of the immediate vicinity of the window.
- 119 A police negotiator was requested to attend but was inadvertently sent to the Sands Motel, which brought about delay to their arrival.⁹⁷ Although Mr and Mrs Morgan were calling for a negotiator, it is far from certain that earlier attendance by a skilled negotiator would have changed the outcome. It is certainly possible that Mr Morgan was intent on remaining in the room, given that free passage would inevitably not have been entertained. I particularly note the opinion of Dr Naso that advice to Mr Morgan that negotiators were on the way might have settled him down for 'a tiny bit, maybe half an hour or so',⁹⁸ and that in her 20 years of experience as a psychiatrist she has never been able to de-escalate a person with antisocial personality disorder who has consumed high levels of methylamphetamine. Dr Naso said:

They all end up down the same path, which is medicated, shackled, time in a closed unit where, then, like usually 24 hours later I'll go and see the patient if they're still in the Emergency Department and then I can gain some traction but that's only after they've been highly medicated.⁹⁹

- 120 In respect of her view of the possible outcomes of the siege, Dr Naso's opinion was that a murder-suicide was on the cards.¹⁰⁰
- 121 In that light, I accept and agree with the evidence of negotiator Senior Sergeant Lyndy Baker that negotiations over the phone while *en route* are fraught with danger and were not appropriate.¹⁰¹
- 122 It cannot confidently be said that any earlier involvement of a negotiator was likely to have changed the outcome.

⁹⁶ T427

⁹⁷ T2898

⁹⁸ T2955

⁹⁹ T2921

¹⁰⁰ Exhibit C195 at 14

¹⁰¹ T2880

- 123 Over the next 48 minutes police managed the incident through the Forward Command which had been established. An initial priority was establishing an inner cordon to ensure that Mr Morgan was unable to leave the room and to allow the coordination of additional resources including equipment, additional police and negotiators. Given the extreme risk that he posed to the community, his containment was clearly appropriate.
- 124 One of the STAR Operations members in the inner cordon maintained regular communication with Mr Morgan, periodically calling for him to come out without his weapon and urging him to end the situation safely. There were no signs of cooperation.
- 125 Mr Morgan's behaviour during these 48 minutes was highly erratic. He yelled at police that he had a hostage. Although this was his wife, police did not know that for certain at this point and their relationship does little to reduce the risk of her being harmed. Even if they had known who she was, it would have been wrong to discount her as a genuine hostage. Mr Morgan took Mrs Morgan to the window and pointed the shotgun at her head while threatening to shoot her. Mrs Morgan's evidence was that she believed at the time that he might do it.¹⁰² He broke windows and set fire to various objects before throwing them out the windows. He made threats to blow things up. He fired the shotgun twice through the rear window of the room into an adjoining fence. I note that the area was surrounded by residences.
- 126 Mrs Morgan said that Mr Morgan was 'not himself' and that he was pacing back and forwards and was very worried.¹⁰³ She said he was 'a bit all over the shop'. Mrs Morgan called out to police and said, 'He said he will not talk, please send in your hostage negotiator'.¹⁰⁴ She gave evidence that Mr Morgan had told her to say that, and she thought it might help the situation.
- 127 At one point, Mr Morgan tried to smash the bathroom window, which was frosted, and when he could not, he shot through it and tried to look out.¹⁰⁵ Then he told Mrs Morgan to come and look to see if anyone was in the alley next to the window, so she put her head out and reported to Mr Morgan that she thought she could see police.
- 128 Mrs Morgan said that Mr Morgan was getting frustrated that police could not hear him, so he sprayed perfume and deodorant on pillows and other items and set them alight.¹⁰⁶ This was an irrational response that was not likely to achieve closer communication with police. Mr Morgan then moved the microwave into the bathroom and put metal items inside it, causing it to explode when turned on, filling the room with smoke. Mrs Morgan's evidence was that, at this point, she was worried that she might be burnt alive in the motel room.¹⁰⁷
- 129 At about 8:03 pm, following Mr Morgan firing shots, Inspector IB of STAR Operations announced over the radio:
- Yeah Trojan to all members given this guy's fired a couple of shots just remember your tactical options as per General Orders if required.¹⁰⁸

102 T145

103 T147

104 T182

105 T150

106 T157

107 T429

108 T2619

- 130 STAR Operations marksman, Brevet Sergeant DA, gave evidence that by this time he was already satisfied that there was justification to use his firearm, although he had not specifically decided that it was necessary. His evidence was that once he saw that significant fires had been lit at the front, he formed the view that ‘...the whole place was going to go up with him and the hostage inside’ and so he made the decision at that point that the use of his firearm was necessary to protect life or to prevent serious injury in circumstances where there was no other means available to do so.¹⁰⁹ He gave evidence that his position would have changed if Mr Morgan had put his firearm down or if he began to engage in conversations in a meaningful way.¹¹⁰
- 131 At 8:08 pm Mr Morgan was leaning into the bathroom of Room 11 trying to put the fire from the microwave out.¹¹¹ This put him into the view of Brevet Sergeant DA, who fired three shots in rapid succession, each of which struck Mr Morgan. Brevet Sergeant DA used a .223 calibre semi-automatic rifle loaded with bonded ammunition. Bonded ammunition is often used for its strength when shooting through glass.
- 132 Brevet Sergeant DA explained in evidence:
- The door opened again and Morgan came from inside the room in a leopard crawl sort of fashion so head first into the room moving left to right with the shotgun over his arms pointing from right to left. He crawled across the room into the bathroom and at the point where I could see that he had the shotgun in his arms still. I fired three shots. When I had his centre mass viewing to me, I fired three shots and after I had fired my third shot, he moved back from the bathroom into the main room and then shut the door.¹¹²
- 133 Given the findings at post-mortem examination, I find that Mr Morgan was in the same or very similar position at the time of all three shots, which can be heard on recordings being delivered in close succession.
- 134 Brevet Sergeant DA was part of the inner cordon, positioned in the upstairs storey of a house at 2 Howard Court, which was next door at the back of the motel. He had been observing the rear bathroom window of Room 11 from above and at quite a steep angle, from a window which he had broken. His shots were fired from this window and through the window of the Room 11 bathroom, which had previously been broken by Mr Morgan. Thus, the shots struck Mr Morgan without needing to pass through glass.
- 135 Shortly after Mr Morgan had been shot, Mrs Morgan ran from Room 11 and advised that Mr Morgan had been killed.¹¹³ Police cautiously entered.¹¹⁴ Paramedics and MedStar clinicians attended on Mr Morgan and performed CPR, as well as a number of advanced procedures, but were ultimately unable to save his life.¹¹⁵ He was declared life extinct at 8:47 pm.¹¹⁶ Mrs Morgan was assessed by paramedics as she was in a state of distress.¹¹⁷

¹⁰⁹ T2633 and T2503

¹¹⁰ T2686

¹¹¹ T164

¹¹² T2053

¹¹³ Exhibit C158m

¹¹⁴ Exhibit C155 at 21

¹¹⁵ Exhibits C47, C48, C49, C50, C51 and C52

¹¹⁶ Exhibit C50 at [27]

¹¹⁷ Exhibit C54 at [9]

Information sharing and the assessments of risk

Inquiries on the Queensland history

- 136 Acting Chief Inspector Leverington assumed that Brevet Sergeant Fettes, whom she had tasked with providing intelligence on Mr Morgan, would provide her with any relevant and significant criminal history in South Australia or elsewhere.¹¹⁸ Acting Chief Inspector Leverington did receive the list of 22 warnings (a screen shot from SAPPS) at 10:11 pm from Brevet Sergeant Fettes; this included seven warnings from Queensland, however she did not receive any of the detail behind the interstate warnings.¹¹⁹
- 137 I note that Brevet Sergeant Fettes retired from SAPOL in 2017. Perhaps unsurprisingly, his recollection about this intelligence job was somewhat vague. He was asked whether he had communicated relevant portions of information from SAPPS, including, under headings of three of the Queensland warnings, the following details:

Warning: May Carry Weapons

Morgan involved in attempted armed robbery matter on 21/5/2015. Knife used. Morgan aware that he is [wanted for questioning] by police and may try any means necessary to avoid detection or apprehension.¹²⁰

and:

Warning: May Make Threats of Violence

Makes threats, Morgan has been repeatedly threatening attempted robbery complainant with further violence via text message and phone calls.

and:

Warning: May Carry Weapons

Armed. Threatened a person with a handgun whilst in vehicle (Qld registration stated) on 23/5/2015.¹²¹

- 138 Brevet Sergeant Fettes was unsure when he gave evidence if he had even read this information as it was on a separate screen from the list of warnings,¹²² but said he would have if it was available. As to the information set out above, when it was put to him during the inquest, he described it as ‘fairly serious’ and said that if he had read it, ‘I hope I would have passed that on’ and ‘...if I didn’t there was no excuse’.¹²³ He described this as the type of information that he would not have reduced to writing but would have communicated verbally. Brevet Sergeant Fettes agreed that he was working with a cumbersome system having to look in four different databases for intelligence.¹²⁴ He also conceded, ‘I wasn’t very good at Shield’.¹²⁵ This is obviously of significant concern in light of the evidence I heard that Shield was considered to be ‘the source of truth’ and Brevet Sergeant Fettes’ role was to be competent at operating the program.

¹¹⁸ T1066

¹¹⁹ Exhibit C66d

¹²⁰ T1179

¹²¹ T1181

¹²² Exhibit C83 at Annexure G

¹²³ T1182

¹²⁴ T1168

¹²⁵ T1144

- 139 Despite his limited recollection, there is clear evidence that Brevet Sergeant Fettes accessed the page with this detail on SAPPS, as he documented in his email¹²⁶ to Acting Sergeant Longbottom and Brevet Sergeant Mobbs, copied to Sturt Intelligence at 10:01 pm on the Friday night:

I checked all associates of Morgan on Shield and PIMS with none recorded since 2012. I then found that he was recorded on SAPPS in Queensland from 2013-2017 with a lot of history and several warrants.

- 140 Then, at 10:11 pm, he emailed¹²⁷ Acting Sergeant Longbottom, Brevet Sergeant Mobbs, Senior Constable Brunt and another police member, with copies to Acting Chief Inspector Leverington and to Sturt Intelligence, a copy of the list of all the 22 warnings on SAPPS, which included the seven Queensland warnings. This was taken from the page on SAPPS prior to the one with more detail. Further support that he looked at the more detailed page in SAPPS comes from Acting Sergeant Longbottom's evidence previously referred to, that Brevet Sergeant Fettes told him that Mr Morgan had significant history in Queensland including being found in possession of a firearm, information which could only have come from that page in SAPPS. In this context I note that the evidence of both Acting Sergeant Longbottom and Acting Chief Inspector Leverington was that they were not aware of the detail that sat behind the interstate warnings.

- 141 Acting Sergeant Longbottom told the Court that he requested further information about the warnings from Brevet Sergeant Fettes but he was unable to say why he did not receive that information, or whether he briefed anyone else on that outstanding request.¹²⁸ Acting Sergeant Longbottom agreed in evidence that he had turned his focus to locating Mr Morgan and away from reviewing his criminal history.¹²⁹

- 142 It is important to note that, again, communication was expected to be verbal and there were numerous people performing intelligence and investigative roles. At the time there was no central repository for the storing of intelligence documents obtained by Brevet Sergeant Fettes.¹³⁰ He could choose whether to disseminate information via email or verbally. Brevet Sergeant Fettes would even speak to other police and ask them to verbally relay a message to Acting Sergeant Longbottom, if he was not immediately available.¹³¹ Such a system has advantages of flexibility and practicability but is fraught with risk. The integrity of the information that comes from reading the source document is lost. There was no requirement to save any of the documents, searches, file notes, phone attendance sheets or communications anywhere. A simple solution might be for the intelligence officer, and all the members involved in the search from the CIB team, to include all material in a central electronic file that could be reviewed by any of them. In that way, when Acting Sergeant Rawe started his shift on the Saturday, he would have been able to review the collated intelligence holdings, including the screenshot from SAPPS containing the 22 warnings and the requested further detail, or at least realised the further request had not been completed.

¹²⁶ Exhibit C66c

¹²⁷ Exhibit 66d

¹²⁸ T111

¹²⁹ T952

¹³⁰ T1165

¹³¹ T1165

- 143 As I have observed, I received evidence about SAPOL's quite new computer system, Shield. I heard that the Shield project was aimed at integrating multiple systems into a single structure. I am aware that since I heard the inquest, Shield has largely replaced the separate systems it was designed to replace, with the consequence that I consider issues that occurred in relation to the difficulties involved in accessing all intelligence available to police are unlikely to occur again. I therefore do not propose to make any recommendations on this topic.

Acting Sergeant Longbottom's early decision on high risk

- 144 At 10:24 pm on Friday, 20 October 2017, Acting Sergeant Longbottom became aware via radio transmission that the white van had been located. He told the Court that he was in Acting Chief Inspector Leverington's office at the time. Acting Sergeant Longbottom then made a transmission at 10:29 pm. A further transmission was made by him at 10:58 pm. The exact words used in those transmissions was the subject of dispute during the inquest. I find that in the transmission at 10:29 pm, Acting Sergeant Longbottom said:

Yeah Vixen 9 1, if we can have some other patrols in place with cordons before you start door knocks. If they knock on the wrong door and he's inside that house, he's a high risk suspect at this stage. I appreciate the vehicle's cold but he could also be in one of those addresses. The last thing I want is a patrol to knock on a door without any back up.¹³²

- 145 Acting Sergeant Longbottom told the Court that prior to that transmission he had asked for STAR Operations to be advised because 'it was unknown whether Mr Morgan was in a nearby house or whether the vehicle had been abandoned at that location.'¹³³ Senior Sergeant JW of STAR Operations gave evidence that he was monitoring the channel and heard this transmission as well as the later transmission by Acting Sergeant Longbottom.¹³⁴

- 146 I find that at 10:58 pm Acting Sergeant Longbottom made the following transmission:

Yeah, Vixen 9 1, now that the other job is over, re the cordons in place down at Hallett Cove, if the cordons can just remain in place and hold off on door knocks, if the suspect is in the area he's indicated high risk. At this time we have been advised that we are 30 minutes away from having a live CAD signal confirming whether or not the suspect is in that vicinity, if cordons can maintain for that 30 minutes until we identify whether or not the suspect is in that vicinity or not.¹³⁵

- 147 Acting Sergeant Longbottom explained to the Court that he had had regard to the definition of high risk in the General Order when he used that phrase.¹³⁶ He gave the following explanation for his reasoning:

...at this stage Matthew Morgan was sought by police for a serious offence and what we're getting at here is aggravated acts to endanger the life of Solowij, namely driving deliberately at him and causing him to lose consciousness subsequently attending hospital. Further to that Morgan was already wanted in relation to other serious offences, so we're looking at a serious criminal trespass - without knowing the full details of that it's, by nature,

¹³² Exhibit C66I

¹³³ T896

¹³⁴ T2424

¹³⁵ Exhibit C66I

¹³⁶ Exhibit C66b and T899-T901

a serious offence and a police pursuit which I put some weight on the police pursuit because it shows a reluctance to voluntarily surrender to the police or to abide by police direction. I had been advised by Brevet Sergeant Fettes from Sturt Intelligence Section that Morgan had a significant history in Queensland and, in fact, his presence in Queensland somewhat accounts for why we had a lack of previous address for him apart from 2012 - there's a gap there. ...[Brevet Sergeant Fettes] told me, 'He had a significant history in Queensland', so he didn't go into the history specifically but did qualify that it included previously being found in possession of a firearm. Furthermore, Fettes advised me that Matthew Morgan had some 22 warnings or cautions recorded between South Australia police databases and Queensland police databases and these warnings, of note, whilst they included things such as being a drug user and may try to escape, the two things which weighed heavily in my mind was that he had warnings that he may carry weapons, in fact, four warnings of that nature and another three warnings that he makes threats to use violence.

Further to this, I was advised, again by Sturt Intelligence ... that South Coast's Intelligence Section - he'd been liaising with South Coast's Intelligence Section and they had been assisting in the investigation and they'd located a Facebook post on Matthew Morgan's account from seven hours earlier which stated 'I'm off the rails, cunt' or words to that effect and this Facebook post was what we call like a meme or an image of a train; I think it was Thomas the Tank engine and it was the train derailing from some railway tracks. Based on the actions of Morgan as I believed them at the time on Marion Road, Mitchell Park in relation to Solowij, I formed the belief that he had caused some serious injury to a police officer and then considering the other things which I've just raised including the Facebook post which alerts you a little bit to his potential state of mind I considered that Morgan may, again, cause serious injury to police as he had done to Solowij upon us locating him and that's the reason why I considered him to be high risk.¹³⁷

- 148 He explained that his concern was that if Mr Morgan was located he might expose police to serious harm through 'a level of physical resistance by nature of potentially punching police and violently resisting, which could then in turn cause serious bodily injury in the nature of broken bones and so forth'.¹³⁸ Acting Sergeant Longbottom said that he was not concerned about Mr Morgan being in possession of weapons beyond the weapons that might ordinarily be located in a house such as kitchen knives; he said 'there was nothing in my mind indicated he would have a weapon, whilst I can't exclude it until we had known the circumstances of him being located'.¹³⁹ It is important to note that, at this time, Acting Sergeant Longbottom was not aware of more details of Mr Morgan's involvements with police in Queensland, including the specific allegation relating to the handgun Brevet Sergeant Fettes told him he had been found in possession of, or the outstanding trial for attempted aggravated robbery. I was surprised though that Acting Sergeant Longbottom did not list possible firearm possession as an addition to his concerns for police knocking on doors looking for Mr Morgan, as it was his understanding that Mr Morgan's Queensland records included firearm possession. The potential for a firearm is no more speculative than the notion that he might resist physically without resort to weapons or reach for a knife if it was handy. Nevertheless, I consider that it was prudent for Acting Sergeant Longbottom to approach the matter as potentially carrying a high risk, and warn police over the radio accordingly, even in the absence of specific knowledge of a firearms risk.

¹³⁷ T899-T901

¹³⁸ T902

¹³⁹ T902

- 149 Senior Sergeant JW, of STAR Operations, who was overseeing the provision of STAR resources to assist, gave evidence that he considered at the time that the operation to locate Mr Morgan should have been determined to be low risk.¹⁴⁰ He explained that he had noticed a tendency in Operational Alerts for there to be amalgamation of the separate concepts of ‘high risk offender’ and ‘increased risk’. I note that Senior Sergeant JW’s view that Mr Morgan posed a low risk was formed in the absence of any review of Mr Morgan’s antecedents or background. When challenged about this during his evidence, he said that Acting Sergeant Longbottom did not provide information which supported a conclusion of high risk, without acknowledging that he had not asked for this, nor conducted any independent research to determine why that conclusion might have been reached. I was surprised that such a strong position was taken by Senior Sergeant JW in light of the objective evidence available both at the time and now, and apparently without any due diligence being conducted. His position gave an impression of defensiveness. In assessing what conclusions should have been drawn about the risk presented by Mr Morgan, I therefore give very little weight to this assessment by Senior Sergeant JW and I am not persuaded that his conclusion is objectively correct. In any event, Senior Sergeant JW’s personal view was not advised to other members and played no role in the events.
- 150 I note that a contributing factor to the lack of further intelligence investigation by STAR Operations was likely that there was no STAR intelligence officer working past 6 pm.¹⁴¹ Senior Sergeant JW said that if a member was performing those duties, he likely would have asked for further information about Mr Morgan. I received evidence that staffing of the intelligence officer role has now been expanded.¹⁴² In a similar circumstance occurring now, it is much more likely that STAR Operations’ own intelligence officer would check available holdings so that earlier local intelligence gathering could be cross checked and any deficiencies identified to allow critical decisions to be made on the basis of all available information.
- 151 Inspector IB gave evidence that Acting Sergeant Longbottom’s use of the phrase ‘high risk’ was likely separate to the formal processes that follow a declaration of high risk.¹⁴³ Nonetheless, that was Acting Sergeant Longbottom’s view and it was broadcast across police systems.

The Operational Alert

- 152 Sergeant Shaun Blundell was an Intelligence Supervisor at the State Intelligence Branch. He received an email from Brevet Sergeant Fettes at about 8:09 pm on the Friday advising of the incident at Marion Road and attaching a link to a Gumtree advertisement offering the Ford van for sale.¹⁴⁴ The email was requesting any support as necessary.¹⁴⁵ Sergeant Blundell then had a phone call with Brevet Sergeant Fettes relating to the identity of the suspect and then a further phone call with Acting Sergeant Longbottom and Acting Chief

¹⁴⁰ T2444 and T2465

¹⁴¹ T2443

¹⁴² T2069

¹⁴³ T1734

¹⁴⁴ Exhibit C83 at [2] and T1633

¹⁴⁵ T1633

Inspector Leverington during which he was asked to compile the Operational Alert. Sergeant Blundell told the Court that Operational Alerts are:

... a document by exception. They are only meant to be disseminated for when there is that need to succinctly provide advice of a new or current emerging issue to all members of SAPOL outside of normal police practices.¹⁴⁶

153 Chief Inspector Craig Wood gave evidence that Operational Alerts ‘are not given out lightly’.¹⁴⁷ Sergeant Blundell gave evidence that on average there would be 10 to 12 Operational Alerts issued in a year.¹⁴⁸

154 Sergeant Blundell described the purpose of an Operational Alert. He said it was to:

... bring to the attention of all operational members of SAPOL the circumstances surrounding why Mr Morgan was of interest to police, and what had led to that ... a succinct summary of the stage of where the investigation was at the time of issuing the alert, as well as providing any of his warnings, and providing a point of contact for further investigational or operational updates.

155 Drafts of that Operational Alert were sent to both Acting Chief Inspector Leverington and Acting Sergeant Longbottom for checking.¹⁴⁹ The final version of the Operational Alert was sent to all SAPOL members via email at 1:09 am on Saturday, 21 October 2017. The Operational Alert contained a photograph of Mr Morgan, together with the following text, *inter alia*:¹⁵⁰

AIM

To safely locate and arrest Matthew Kym MORGAN DOB 27/08/1993.

KEY POINTS

Police from Sturt FVIU attended 7 Sampson Road MITCHELL PARK at about 1800 hours Friday 20/10/2017.

Upon police arrival, MORGAN was seen to leave the address and leave in a white Ford van before coming to a halt in congested traffic. Police approached the vehicle and directed MORGAN to get out of the car.

MORGAN drove at police, striking one member, and made off at speed.

MORGAN is flagged as wanted for this incident, PIR 18C58006 refers.

INFORMATION

MORGAN was last seen driving a white Ford Van SA VKK-776 which was recovered in Nungamoora Street HALLETT COVE at about 2220 hours same date.

Two of the most recent known phone numbers used by MORGAN are now the subject of Prospective CAD.

FURTHER INFORMATION

MORGAN is recorded with warnings: At risk in custody, May be armed, May try to escape, Drugs, May be suicidal, Makes threats.

If MORGAN is located, police should apply the Operational Safety Philosophy and Principles.

For further information or queries regarding this product please contact MOS / STURT LSA / STURT CIB

156 It was submitted by Counsel Assisting that there were four main issues concerning the Operational Alert itself, as follows:

- Firstly, Sergeant Blundell did not include all critical information.
- Secondly, the use of ‘warnings’ in the document does not in any way draw attention to matters of particular concern.

¹⁴⁶ T1662

¹⁴⁷ T1254

¹⁴⁸ T1635

¹⁴⁹ T895

¹⁵⁰ Exhibit C83 at Annexure A

- Thirdly, not all relevant people accessed the document despite the email to all members and radio transmission over the Government Radio Network.¹⁵¹ It was said that regardless of the varying reasons for not reading such a critical document, the result was that all of these members came to be involved in a response to what eventuated as a high risk situation and it was critical that they had access to all relevant information, including the Operational Alert.
 - Lastly, those who did read the document and came to be involved relied on the information contained within it, without performing their own assessment of the risks attached to the individual. I was asked to consider what the purpose of a list of warnings is if nobody queries what behaviours of the suspect the various warnings might reveal.
- 157 It was submitted on behalf of the Commissioner of Police that I should find that the Operational Alert was satisfactory. I was urged to approach the matter on a more limited basis and find that the Operational Alert served the purpose of raising attention to the matter, without making criticism of what could have been included.
- 158 The Operational Alert was scrutinised in some detail throughout the inquest. Without exception, all witnesses who were asked about their views of the Operational Alert considered it unexceptional and said that the warnings caused them no particular concern. Senior Sergeant DB referred to the Operational Alert as ‘unremarkable’. He told the Court:
- And if I had not received any phone call and that op alert sat on my email system, I would have read it and I would have hit ‘delete’ because I see a lot of op alerts.¹⁵²
- 159 Likewise, Acting Sergeant Rawe agreed with the suggestion put by Counsel about warning details that:
- If there had been something that was believed relevant with respect to the further search of Mr Morgan, you would expect that to be stated somewhere else [in the Operational Alert].¹⁵³
- 160 He went on to explain in his evidence that he thought the Operational Alert should have said more, in particular that Mr Morgan ‘...had been armed on certain occasions or a number of occasions and that would have made me look closer at it’.¹⁵⁴
- 161 Chief Inspector Wood was not aware of the Operational Alert on the night of Mr Morgan’s death, however he did review the document while giving evidence. He said:
- I’m looking at the warnings now and the warnings that I see on this Operational Alert are pretty consistent with that of hundreds or thousands of people with criminal antecedents [who] have similar warnings ... So reading these warnings do not make him stand out from any other criminal.¹⁵⁵

¹⁵¹ T1456

¹⁵² T1984

¹⁵³ T1201

¹⁵⁴ T1217

¹⁵⁵ T1297

- 162 In my opinion the Commissioner of Police should discourage a casual approach to warnings, particularly those as serious as ‘may be armed’ and particularly where there is a concerning combination such as ‘may be armed’, ‘may be suicidal’ and ‘may try to escape’. Encouraging provision of more information about the most relevant warnings could be considered. In order to protect members of police, it may be beneficial for the Commissioner of Police to include text on Operational Alerts to remind members to interrogate any warnings if planning an encounter with the suspect. This was not raised for consideration and comment by counsel during the inquest and so I make no formal recommendation about it. I am confident the Commissioner of Police will consider this improvement in order to protect his staff without a formal recommendation.
- 163 Sergeant Blundell told the Court that he checked databases in order to draft the Operational Alert. These included PIMS, Shield, SAPPS and he may have checked Crim Trac.¹⁵⁶ Sergeant Blundell referred to Shield as being ‘the source of truth’ and ‘the primary system for checking’.¹⁵⁷ All warnings that had previously been entered and held on PIMS had been transferred to Shield and only some were retained in PIMS.¹⁵⁸ However, there was a limitation in that Shield at the time did not provide criminal history nor interstate warnings/cautions and an alternative search program, Searchlight, was created to present a single set of search results which crossed Shield and legacy systems.¹⁵⁹ That is, SAPOL had identified a potential issue with information spread across multiple systems and had rectified it with a separate solution.
- 164 Sergeant Blundell helpfully set out in his affidavit the various screens that he would have checked in order to compile the information for the Operational Alert. On Shield, Sergeant Blundell says he would have been able to view the seven cautions that were current on Mr Morgan’s profile, and also 16 cautions (some of which would have been expired) when he clicked ‘All’. That would have enabled him to access information relating to all of Mr Morgan’s warnings within South Australia, but not interstate. In respect of SAPPS, he would have initially viewed the following:¹⁶⁰

WARNINGS (21)	
DRUGS ASSOCIATION	QLDPOL Drugs
UNCATEGORISED WARNING	QLDPOL Other
MAY CARRY WEAPONS	QLDPOL Armed
MAY MAKE THREATS OF VIOLENCE	QLDPOL Makes threats
CUSTODY RISK	QLDPOL Tries to escape
MAY CARRY WEAPONS	QLDPOL Armed
UNCATEGORISED WARNING	SAPOL DECEASED
UNCATEGORISED WARNING	SAPOL High risk (HR)
ALLEGED OFFENDER	SAPOL TRAFFIC
CUSTODY RISK	SAPOL May try to escape (ESC)
SUICIDE/SELF HARM RISK	SAPOL May be suicidal (SUI)
CUSTODY RISK	SAPOL May try to escape (ESC)
MAY CARRY WEAPONS	SAPOL May be armed (ARM)
CUSTODY RISK	SAPOL At risk in custody (ATR)
MAY CARRY WEAPONS	SAPOL May be armed (ARM)
MAY MAKE THREATS OF VIOLENCE	SAPOL Makes threats (THR)
DRUGS ASSOCIATION	SAPOL Drugs (DRU)
DRUGS ASSOCIATION	SAPOL Drugs (DRU)
MAY MAKE THREATS OF VIOLENCE	SAPOL Makes threats (THR)
UNCATEGORISED WARNING	SAPOL Whereabouts (WBT) - Stalking advice - Hist - Consider appropriate action.
ALLEGED OFFENDER	SAPOL TRAFFIC

156 T1635

157 T1637

158 T1602

159 T1610

160 Exhibit C83a at Annexure G and T1649

165 Further information was available in respect of each warning, for example:

Warning Code	MAY CARRY WEAPONS	Expiry Date	-
Last Update Date	2015-06-25		
Description	Armed		
Remarks	MORGAN involved in attempted armed robbery matter on 21/6/2015 (knife used). MORGAN aware that he is WFQ by police and may try any means necessary to avoid detention or apprehension.		
Jurisdiction Ref1	None		
Jurisdiction Ref2	None		

and:

Warning Code	MAY CARRY WEAPONS	Expiry Date	-
Last Update Date	2015-05-24		
Description	Armed		
Remarks	Threatened a person with a hand gun whilst in vehicle QLD reg 237VAD on 23/05/15		
Jurisdiction Ref1	None		
Jurisdiction Ref2	None		

166 While the second warning I have extracted above dates from 2½ years prior, the details were nonetheless relevant and important for members planning an encounter with Mr Morgan to have known. It provided a basis to conclude there was a clear risk that Mr Morgan might have a gun.

167 Sergeant Blundell gave evidence that his main focus in checking the SAPPs was to identify whether there were any different warnings from other states that were not present on Shield, rather than assessing the specific events leading to those warnings.¹⁶¹ He said he had not found the further information screens useful in the past and that he could not recall having read them at the time he was investigating Mr Morgan's background.¹⁶²

168 Sergeant Blundell went on to concede that it was probably more likely that he did not access this information.¹⁶³ Sergeant Blundell conceded that the information contained on the SAPPs showed a recency of firearms involvement and he said:

... if I checked them on the night it may have prompted me to have that conversation with [Acting Sergeant Longbottom] and [Acting Chief Inspector Leverington] as to whether or not they believe that there's any further grounds for [believing] Morgan to be armed.¹⁶⁴

169 Sergeant Blundell gave evidence that the request in relation to Mr Morgan was more urgent than his usual work where he would have more time to source and explore interstate information.¹⁶⁵ He went on to explain that on the night 'it was more around the circumstances of his actions to evade apprehension by police and that was the current circumstances and the knowledge that we had at the time.' Sergeant Blundell gave evidence that had he read that information, 'I certainly would have put up the consideration for the summary text in order to allow police to make a judgment on the facts at hand compared to prior behaviour and conduct as part of the operational

¹⁶¹ T1651

¹⁶² T1652

¹⁶³ T1673

¹⁶⁴ T1673

¹⁶⁵ T1653

response'.¹⁶⁶ When asked about the other two warnings of significance (being the making of threats relating to the complainant in the attempted aggravated robbery, and the armed threatened a person with handgun whilst in vehicle warnings), Sergeant Blundell said that if he had read them, he '...certainly would have had the conversation with Acting Sergeant Longbottom or Acting Chief Inspector Leverington on the night as to whether or not they felt that was appropriate enough to include in the Operational Alert'.¹⁶⁷ Sergeant Blundell conceded that the real indicator as to whether Mr Morgan was a person who might have a gun was the allegation that some two years earlier during an incident, he had threatened somebody with a handgun, and that was the primary reason why it would have been desirable for that information to have been included in the Operational Alert.¹⁶⁸

170 In respect of his assessment of Mr Morgan, Sergeant Blundell said in evidence:

He had a number of matters withdrawn or without conviction, showed that he was a relatively low level offender with a history of some assaults, drug use, some traffic offending, that kind of overview.¹⁶⁹

171 Sergeant Blundell referred to a firearm offence in 2010 which he clicked on to review the apprehension report. He gleaned from that document that the offending was seven years old, opportunistic and related to a replica firearm.¹⁷⁰ Of course, he had not read the potentially more critical information underlying the Queensland 'MAY CARRY WEAPONS' warning from May 2015.

172 In relation to PIMS, Sergeant Blundell's evidence was that he would have seen 'Traffic' and 'Never Held Licence' warnings.¹⁷¹ Sergeant Blundell could not recall whether he clicked on the individual warnings to look further into the detail. Nevertheless, the information contained on PIMS was scant and far less informative than what was contained on Shield.

173 Sergeant Blundell's evidence makes clear that if a person was to only check PIMS instead of Shield, they would have had an incomplete picture of the suspect. This was exactly what Sergeant Pratt did when he made his own inquiries during his shift on the Saturday.¹⁷² Sergeant Pratt gave evidence that he checked PIMS and noticed three apprehension reports which related to possession of knives and the possession of a replica pistol.¹⁷³ He said he also checked the warnings attached to Mr Morgan and that he only had warnings for traffic offences and that he did not hold a licence.¹⁷⁴ This fits perfectly with the evidence given by Sergeant Blundell as to what would have been shown. Sergeant Pratt did not check Shield and he did not check SAPPS and remained unaware throughout that Mr Morgan had any criminal history interstate.¹⁷⁵

¹⁶⁶ T1675

¹⁶⁷ T1675

¹⁶⁸ T1689

¹⁶⁹ T1647

¹⁷⁰ T1648

¹⁷¹ T1644

¹⁷² T477

¹⁷³ T478

¹⁷⁴ T479

¹⁷⁵ T573

- 174 It is relevant to observe that the information that SAPOL members can access relating to interstate criminal history and interstate warnings is limited to the high level information that was tendered. If a police member wants to know more specific information (for example, what led to warnings being added) then they must contact their interstate counterparts.
- 175 If a request was made to an interstate jurisdiction, Sergeant Blundell explained that it would need to be made through ‘communications’ and that response would depend on ‘how helpful the other person is on the end of the phone, it could be a matter of minutes, hours or even longer, depending on what system they had access to’. I also observe that the Queensland Police intelligence unit operated during business hours only which would have imposed further difficulties.¹⁷⁶
- 176 As I will explain in more detail later, I do not propose to make any formal recommendation on this topic, as the depth of the issue was not explored during the inquest and it appears unlikely that any other member comprehensively and critically looked at Mr Morgan’s interstate activity with a view to compiling a well-considered profile of the person they were dealing with.
- 177 During the inquest, I was advised that interstate warnings and criminal history were not brought onto Shield and that there were no plans at that time to integrate that information.¹⁷⁷ Superintendent Scott Allison agreed that if a member is trying to get a full picture of a particular suspect it would be very important for them to access both Shield and SAPPS.¹⁷⁸ As I have mentioned, Sergeant Pratt did not access either. Instead, he only accessed PIMS which provided him with an incomplete picture of the man he was looking for. It is unclear whether that was merely an error on his part, or attributable to his training. If a member were to check PIMS, SAPPS and Shield then they might see different warnings or cautions on each of those systems. On PIMS they would only see the warnings that had not been brought across in the conversion, on Shield they would see only the South Australian cautions and on SAPPS they would see all warnings but without the level of detail on Shield (for the South Australian cautions).¹⁷⁹ Given the manner in which SAPOL established its systems, it was and is incumbent upon the organisation to ensure that training and procedures make it abundantly clear that a full picture can only be obtained through the checking of the multiple systems. I am aware that PIMS is no longer in regular use. However, it remains unclear whether the situation is now any easier.
- 178 Sergeant Blundell did not include all relevant information that was available to him in the Operational Alert. The only information that Sergeant Blundell accepted that he ought to have included in the Operational Alert was information relating to the allegation that Mr Morgan had threatened someone with a handgun about two years earlier. I agree that, at the very least, that information ought to have been included. It had the potential to have made a meaningful difference to future risk assessments to be made by those leading attempts to apprehend Mr Morgan. It could have been included without compromising the apparently desired brevity or succinctness of the document. In my opinion, any police

¹⁷⁶ T1679

¹⁷⁷ T1622

¹⁷⁸ T1622

¹⁷⁹ T1626

member who might encounter Mr Morgan after reading the Operational Alert was entitled to know that information about him and should have been alerted to it.

179 As highlighted by Sergeant Blundell, warnings such as ‘may be armed’ indicated that Mr Morgan had been armed at some stage. It provides a heightened awareness for police members that he may be armed. Similarly, the other warnings such as ‘may try to escape’, ‘may try to evade police’ and ‘makes threats’ provide a similar caution to police to allow themselves to be prepared for the worst case scenario.

180 While I accept that there was no specific evidence that Mr Morgan had current possession of a firearm, I cannot accept that knowledge of a prior, relatively recent, firearms incident would not have changed the assessment of the Tollgate operation *at all* and I cannot accept that it was not important information for all members to be aware of.

181 Notwithstanding that, I remind myself that Sergeant Blundell’s role was not to produce a ‘person profile’ that would be relied upon as a summary of all relevant intelligence in relation to Mr Morgan. His role was merely to produce an Operational Alert. On the information police already had in respect to Mr Morgan from the Operational Alert itself, Mr Morgan was alleged to have struck with a motor vehicle a police member who was attempting to apprehend him while Mr Morgan fled from the scene. Although lacking critical information that might have been useful, the Operational Alert did contain information that would have assisted police involved in the search for Mr Morgan if they had read it, which is the next issue. Of the members involved in the operation, a number did not read the Operational Alert or cannot recall whether they did.

182 Chief Inspector Wood told the Court:

... from a general operational perspective anyone who is out working at the time should have heard it over the radio and then the following shift of oncoming personnel they go through emails and intelligence circulars prior to the commencement of shift and they do that at the commencement of shift, so I would expect that any operational police officer would be advised, yes, in the future ... it’s an expectation that they check their emails and then it’s discussed at the briefing at the commencement of their shift. So that’s the procedures we have in place.¹⁸⁰

183 That assumes members diligently check their emails and attend their briefings. Sergeant Blundell reiterated this expectation:

I would say it’s almost custom that nearly all members would read their emails prior to the shift, however I would then also expect that as part of parade, at the commencement of each shift, local intelligence or their delegate would brief operational members on the existence or any updates to an operational alert.¹⁸¹

184 The evidence was that there was no parade at the commencement of the STAR Operations shift on Saturday evening and so no Operational Alert was referred to or discussed among the STAR Operations members on shift. Brevet Sergeant DA had no recollection of having seen the Operational Alert.¹⁸² Brevet Sergeant PR had not read the Operational

¹⁸⁰ T1457

¹⁸¹ T1662

¹⁸² T2516

Alert.¹⁸³ Brevet Sergeant DS could not recall having read the Operational Alert prior to Mr Morgan's death.¹⁸⁴ Brevet Sergeant AC gave evidence that he checked his emails at the commencement of the shift and read the Operational Alert.¹⁸⁵ Senior Sergeant DB said he read the Operational Alert when he checked his emails on the Saturday.¹⁸⁶ Prior to receiving a phone call from Senior Sergeant DB at 6:27 pm regarding the high risk situation, Inspector IB had not read the Operational Alert.¹⁸⁷ Senior Sergeant RB had been the STAR Operations on-shift Senior Sergeant during the day shift and he had read the Operational Alert.¹⁸⁸

- 185 Sergeant Pratt gave evidence that he did not see the Operational Alert at any time on the Saturday but that he knew of its existence from the Commissioner's Briefing Paper which he did read, which made reference to the Operational Alert.¹⁸⁹ He said in evidence that the reason he did not read the Operational Alert was because he did not check his emails.¹⁹⁰ The fact that Sergeant Pratt did not read the Operational Alert may have had significant ramifications. Sergeant Pratt agreed that reading the Operational Alert might have set him on a path of investigating the warnings Mr Morgan had.¹⁹¹ Sergeant Pratt agreed that the warnings may have led him to also investigate interstate antecedent history and Mr Morgan's mental health history.¹⁹² When the topic was explored during his evidence, Sergeant Pratt said that the decision not to declare the Tollgate operation as high risk might have been made differently, depending on what research he did as a result of reading the Operational Alert. He said, 'It may well have changed my decision, yes'.¹⁹³
- 186 Of course, the police responsible for requesting the production of that document and reviewing that document before its promulgation were Sergeant Pratt's colleague Acting Sergeant Longbottom, and his direct supervisor Acting Chief Inspector Leverington, both of whom were available to him, and in constant contact with him, throughout the Saturday. They acted on an assumption that Sergeant Pratt had read the document and that it was informing his decision making. I note however that they knew that the document did not specifically identify that Mr Morgan had more warnings than were stated in the Operational Alert and that Acting Sergeant Longbottom knew the Alert made no mention of a quite recent incident in which, at least as he understood it, Mr Morgan was alleged to have 'been found in possession of a firearm in Queensland'.
- 187 Acting Sergeant Longbottom said in evidence that at the briefing outside the sergeant's office at Sturt CIB with Sergeant Pratt and Acting Sergeant Rawe, he understood that Sergeant Pratt 'had already been briefed on all the relevant points regarding this matter...'.¹⁹⁴ Acting Sergeant Longbottom told the Court that at no point on the Saturday did he discuss the Operational Alert with Sergeant Pratt, nor did he discuss the fact that there were 22 warnings.¹⁹⁵ Inspector Wood was not on-shift but was providing informal

183 T2182

184 T2024

185 T2264

186 T1878

187 T1721

188 T2342 and T2370

189 T477, T560 and Exhibit C158I

190 T560

191 T565

192 T565

193 T564

194 T928

195 T991

advice to Acting Chief Inspector Leverington throughout the Saturday, yet he also did not see the Operational Alert and was not advised of its existence.

- 188 It is significant to note that although Sergeant Pratt did not access his emails, he was also not provided with the Operational Alert by any other means. Acting Sergeant Rawe did not mention the Operational Alert during his meeting with Sergeant Pratt.¹⁹⁶ When questioned about this, he said:

I think it's one of those documents that everyone would have got and read themselves and there was no need to go over it again.¹⁹⁷

- 189 Acting Sergeant Rawe could not conceive in his evidence that Sergeant Pratt might not have read his emails.¹⁹⁸ He explained that it is 'standard practice', 'it's the only way, or main way, of receiving information to each other is through the email system'.¹⁹⁹ It is plain that all of the police under Sergeant Pratt's leadership on the day of the operation at the Tollgate Motel would have assumed that Sergeant Pratt had read the Operational Alert in relation to the matter at hand.

- 190 I find that the Operational Alert was deficient in a meaningful way which resulted in a failure to address real circumstances of risk. That is, a straightforward opportunity was missed to notify members and officers of police of the real extent of Mr Morgan's history and recorded warnings and, in particular, a recent incident which ought to suggest that if encountered Mr Morgan might be armed with a firearm. The overall evidence I heard was to the effect that members of police have a routine of reviewing important documents and emails prior to participating in a start of shift briefing. It is through this standard process that critical information is disseminated and not missed. While the evidence in this inquest established that there were multiple failings of, and connected with, this process as it occurred on this occasion, I did not hear any evidence which established a systemic or widespread concern about this issue.

Knowledge of the previous evening's characterisation of high risk

- 191 It became clear during the evidence of Acting Chief Inspector Leverington, Acting Sergeant Rawe and Sergeant Pratt that, although they all knew certain pieces of information referred to by Acting Sergeant Longbottom in his reasons for earlier considering the situation high risk, none of them was individually aware of all of the information upon which he had based his risk assessment. More fundamentally, none of those police members (who each had central roles in the search for Mr Morgan) appears to have known of Acting Sergeant Longbottom's assessment that Mr Morgan could or would pose a high risk if he was located on the Friday night.
- 192 Acting Chief Inspector Leverington told the Court that she was not aware of the radio transmissions by Acting Sergeant Longbottom, nor of his risk assessment.²⁰⁰ She also told the Court that she did not have any discussion with Acting Sergeant Longbottom about declaring high risk and that in any event she did not consider any search for

¹⁹⁶ T1221

¹⁹⁷ T1197

¹⁹⁸ T1222

¹⁹⁹ T1222

²⁰⁰ T1043

Mr Morgan to be high risk.²⁰¹ Acting Sergeant Longbottom's evidence was that Acting Chief Inspector Leverington was aware of the potential for the situation to turn high risk on the Friday night.²⁰²

193 Sergeant Pratt gave evidence that he was not advised (by anyone) that there had even been a cordon and call operation in relation to the Ford van on the Friday night.²⁰³ It is troubling that he was not even aware of any search for Mr Morgan on the Friday evening.²⁰⁴ Sergeant Pratt was the member responsible for coordinating the response at the Tollgate Motel. It was he who made the risk assessment that dictated certain aspects of how the operation would be conducted. It was Sergeant Pratt who briefed the STAR members including Brevet Sergeant DA. It was information provided by Sergeant Pratt that Brevet Sergeant DA used to inform his decisions at the motel in conjunction with his own assessments of Mr Morgan's behaviour after the siege commenced.

194 Sergeant Pratt was the police member who needed to be aware of all the information, yet he had limited knowledge of who Mr Morgan was or what he might be capable of. On the evidence, it is apparent that he knew little of what had occurred on the Friday evening. As a result, in my opinion, the safety of all police who attended at the Tollgate Motel, and the safety of civilians at the motel, was put at risk.

195 Acting Sergeant Rawe did not know of the radio communications relating to 'high risk' made by Acting Sergeant Longbottom.²⁰⁵ He told the Court that he would have wanted to know why that decision had been made as 'it raises the height of the investigation and the course we'd take ... as far as that goes, as far as the arrest goes and with any of inquiries as well'.²⁰⁶ He gave evidence that he would have expected that information to have been included in the Commissioner's Briefing Paper, Operational Alert and in the emails. He agreed that if he had seen a copy of Exhibit C66d (the email with the list of 22 warnings from SAPPS) then he would have felt the need to have more information about what underpinned the warnings.²⁰⁷ I note that the screenshot of warnings in the email included the following:

- Four warnings for 'may carry weapons'
- Three warnings for 'may make threats of violence'
- Three warnings for 'custody risk'
- A warning for 'suicide/self-harm risk'
- Six warnings for 'Drugs Association'

196 Acting Sergeant Rawe's position is reasonable and sensible.

201 T1044
202 T964
203 T559 and T588
204 T587
205 T1200
206 T1200
207 T1217

Responsibility for sharing critical information

197 Acting Chief Inspector Leverington said that it was Acting Sergeant Longbottom's role to brief Acting Sergeant Rawe.²⁰⁸ However, Acting Sergeant Longbottom told the Court that it was Acting Chief Inspector Leverington's role to do so. He said that his email communications with Acting Sergeant Rawe were not 'briefings by any means' and that their face-to-face conversation was only 'an informal briefing'. The following exchange occurred with Acting Sergeant Longbottom during cross-examination:

Q. So was it your assumption that she would be providing that information that it was potentially high risk on the Friday night through to those Sergeants who would be starting on the Saturday?

A. Yes.

Q. And so for that reason you didn't provide it [in] the emails [with Fettes relating to Queensland convictions] through to Mark Rawe?

A. Yes. So the emails I provided Mark Rawe weren't a briefing by any means, I had three emails which I felt were pertinent to him performing his duties the next day, and I wanted to forward those three emails onto him. However rather than just hitting 'forward' I provided a level of input or commentary, as would be quite normal when you forward an email, at the top of those emails however I was entirely reliant on Detective Chief Inspector Lauren Leverington providing a comprehensive briefing as she knew all the facts as I knew on the night.

Q. And when you're talking about Leverington providing a briefing, are you talking about a briefing that would be delivered by her orally on the Saturday.

A. A written briefing.²⁰⁹

198 Acting Chief Inspector Leverington did not provide a written briefing directed to Acting Sergeant Rawe. However, she did produce the Commissioner's Briefing Paper²¹⁰ that was sent to the Assistant Commissioner and other police,²¹¹ including Acting Sergeant Rawe. The Briefing Paper recorded that Mr Morgan was wanted for two (recent local) investigations, but did not refer to any history, warnings, cautions or risks that he might pose. Acting Sergeant Longbottom went on to explain why he did not brief Acting Sergeant Rawe on the 'high risk nature' of the search:

Q. Was it your assumption that Leverington would be informing Rawe of the high risk nature of the search on 20 October?

A. Absolutely.

Q. Why is it that you didn't provide that information onto Rawe?

A. Detective Chief Inspector Lauren Leverington is holding a position four ranks higher than me and is the officer in charge of Sturt CIB, she has directed me that she will be doing the briefing. I guess being four ranks lower to turn around and tell someone at such a high rank that I'm going to do the briefing would appear a little bit insubordinate.²¹²

²⁰⁸ T1037

²⁰⁹ T965

²¹⁰ Exhibit C158l

²¹¹ T1036

²¹² T963

199 I consider that it was not prudent for Acting Sergeant Longbottom to approach the matter on the basis of assumptions that:

1. Acting Chief Inspector Leverington was aware of everything without him specifically briefing her on every important aspect of his assessment, and
2. Acting Chief Inspector Leverington would brief Acting Sergeant Rawe providing all relevant information, including passing on his risk assessment.

200 I consider that Acting Sergeant Longbottom should have taken specific steps to ensure that all information was known by those continuing an investigation he commenced. I say that particularly observing that Acting Sergeant Longbottom had taken the time to forward emails to Acting Sergeant Rawe, together with 'a level of input or commentary'.²¹³ That was the opportunity to impart of all of his reasoning about the risk.

201 Even putting aside whether it was reasonable to assume that Acting Chief Inspector Leverington would share all relevant information, the meeting outside the sergeant's office on Saturday provided Acting Sergeant Longbottom, Acting Sergeant Rawe and Sergeant Pratt with a further opportunity to discuss the circumstances and key information informing their decisions and risk assessments. However, during this interaction, Acting Sergeant Longbottom did not inform the others that he had assessed the previous night's search as high risk. He said:

I was of the understanding that both Brevet Sergeant Rawe and Detective Sergeant Pratt had already been comprehensively briefed, and that was one of many parts of the investigation which I didn't rehash.²¹⁴

202 At no time on the Saturday, despite being in Sergeant Pratt's company until attending the Tollgate Motel, did Acting Sergeant Longbottom say anything to him about the potentially high risk nature, according to his assessment, of the search on the Friday night. Acting Sergeant Longbottom gave evidence that, once again, he had assumed that Sergeant Pratt knew the details of the search on the Friday evening and so he did not raise any challenge about the decision that the search at the Tollgate Motel was not considered high risk:

Q. Wouldn't it have been appropriate for you, as the supervisor who had been on shift the previous day, and it had been your opinion that the search the previous night had been high risk if Morgan had been found, wouldn't it have been appropriate for you to say so at that very moment?

A. If he's already aware of it I wouldn't keep badgering the point.

Q. Did Pratt tell you during that conversation that he knew that the situation the night before was going to be deemed high risk?

A. As I just said prior, he proactively brought it up straightaway, and I was informed that it wouldn't be high risk, or it wasn't high risk at that stage, and it would be abnormal to bring that up unless you're aware the night before that it was.²¹⁵

²¹³ T965

²¹⁴ T966

²¹⁵ T967

- 203 Acting Sergeant Longbottom then said that he took this as not so much a decision that the Saturday search would not be high risk, but rather that Sergeant Pratt wanted to make an assessment of the risk presented by the circumstances once Mr Morgan had been located.²¹⁶ I consider this to be a suboptimal approach, as it does not appropriately address the risks that might be posed to members in the act of searching. This was demonstrated by what played out.
- 204 In any event, although it involved a degree of assumption, I accept that Acting Sergeant Longbottom's reasoning was open. Sergeant Pratt's specific advice that the operation would not be high risk could reasonably have led Acting Sergeant Longbottom to conclude that Sergeant Pratt was aware it had been assessed as high risk the previous night but had since reached a different view.

Acting arrangements

- 205 I accept, on the basis of the evidence of multiple witnesses, that there was a perceived sense of urgency to the Tollgate operation. I was not given any explanation for that perceived urgency other than that Mr Morgan was in a known location and might leave. Given that covert surveillance was in place, the chances of him leaving undetected were minimised and in my view that possibility does not account for the level of urgency with which the operation was approached.
- 206 Acting Sergeant Longbottom had responsibility for the search for Mr Morgan on Friday, 20 October 2017. Acting Sergeant Rawe took over responsibility for the search after that. Acting Chief Inspector Leverington had responsibility for the Sturt CIB at the time. Acting Sergeant DS had responsibility for the STAR Operations involvement. All were acting above their substantive positions. It was the first occasion that Acting Chief Inspector Leverington had acted in the role of an Officer of Police.²¹⁷ Her substantive position was in Human Resources as a Sergeant.²¹⁸ She was not yet qualified to the rank of Inspector.²¹⁹ Acting Sergeant Longbottom's substantive position was as a Detective Brevet Sergeant and he was acting in his supervisor's role only for the relevant shift.²²⁰ Acting Sergeant Rawe's substantive position was as a Brevet Sergeant. Acting Sergeant DS' substantive position was as a Brevet Sergeant.
- 207 It may be that a combination of police with more experience in their roles might have acted with more caution and more individual due diligence regarding Mr Morgan's background. That will, of course, never be known.
- 208 The fact that Acting Sergeant Longbottom, Acting Sergeant Rawe, Acting Sergeant DS and Acting Chief Inspector Leverington were acting in positions above their usual rank is noteworthy. It appears common, certainly among the members of SAPOL who gave evidence in this inquest, for police to relieve above their substantive rank and I recognise there are good reasons for this to occur. For police, like any employees, to be able to perform that function it is necessary that there is appropriate training, management and sharing of information. This issue was not explored, and I make no finding about the

²¹⁶ T967

²¹⁷ In the *Police Act 1998*, **officer**, for which 'Officer of Police' is SAPOL parlance, is defined to mean 'a member of SA Police of or above the rank of inspector' which is to be distinguished from a member of SA Police.

²¹⁸ T1061

²¹⁹ T1080

²²⁰ T558

adequacy of the acting arrangements. I nevertheless observe, as a circumstance of Mr Morgan's death, that the investigation of him was largely directed by members acting above their substantive positions.

Should the search on 20 October 2017 have been classified as high risk?

General order

209 The General Order, Operational Safety²²¹ defines a high risk situation:

An incident will be classified a high risk situation when there is a reasonable **belief** that the behaviour of a suspect or the circumstances **would** place the life of employees or members of the public in jeopardy or expose them to serious bodily harm.

[emphasis added]

210 It may be seen that in its terms the General Order does not authorise or require a classification as a high risk situation if a proper assessment of risk results in a belief or suspicion that the behaviour of a suspect or the circumstances *might* place the life of police or members of the public in jeopardy or expose them to serious bodily harm. What is required is a reasonable belief that the suspect's behaviour or the circumstances *would* do so.

211 The General Order refers to various considerations which may be used to determine if an incident is a high risk situation. These are:

- seriousness of the offence
- expressed intention by suspect(s) to use lethal force
- reasonable grounds to believe that the suspect:
 - may use lethal force
 - has or may cause injury/death
 - has issued threats to kill or injure any persons
- the suspect:
 - has a history of violence
 - has a history of mental illness/personality disorder associated with violence
 - has no recent history of violence but is known to have been violent in the past
 - is exhibiting violence now
- involvement of innocent participants, for example dignitaries, hostages or bystanders.

212 The General Order, Operational Safety appears to distinguish between incidents which are to be classified as high risk situations for the purposes of the General Order and other incidents which might present a high risk but do not meet the definition:

This definition does not apply to other incidents involving the threat to life or serious injury assessed as high risk in accordance with risk management practices.

²²¹ Exhibit C158ag – as in force at the relevant time

- 213 The General Order allocates responsibility for resolving incidents classified as high risk, except in very limited circumstances of great urgency, to the STAR Group Operations Section.
- 214 I assume this distinction in the General Order takes into account that elite level police tactical personnel (i.e. STAR Group Operations Section) are not unlimited and are not absolutely required in all circumstances where high risks are present.
- 215 Where the high risk definition is met, a raft of mandatory responses and high-level notifications²²² are specified and an Officer of Police must immediately attend to take charge as the forward commander with overall control of the operation. Upon STAR arrival, control of the inner cordon will be handed to the senior STAR Group Operations Section member present. Qualifications and roles of a tactical commander and deputy tactical commander are specified.

Assessing whether a situation (or operation) is to be classified high risk

- 216 Regarding assessing whether to declare or classify a situation high risk, Senior Sergeant DB stated that there must be a demonstrable connection between the threat and a risk to police, and the mere fact someone may be armed does not push it into the high risk category.²²³ Giving examples of cases not classified as high risk, he mentioned his experience of a search for a suspect in a shooting, which was not classified high risk because having regard to the person who was shot and the circumstances, it was considered he was not necessarily presenting a threat to police.²²⁴ In the same vein Senior Sergeant DB referred to a class of persons who are routinely expected to have firearms, 'We deal with people with firearms, possession of pistols all the time. Any good drug dealer has a pistol for protection'.²²⁵ Accepting implicitly the need for a proper risk assessment and to plan in order to address the assessed level of risk, he went on:

We do numerous tasks where we assist the criminal investigation branches in rapid entries to preserve evidence to prevent drugs being flushed, we are always interested in relation to that side of things and that would definitely make us wear vests, but it won't preclude us from undertaking the operation unless we can draw a nexus with a threat to us.²²⁶

An operation of the type he was describing would not be classified as high risk and accordingly could continue to be led by the local CIB with STAR Group Operations personnel assisting by making up numbers if needed. I accept that here the witness was speaking only of circumstances in which there was plainly no risk to members of the public, whose safety is also dealt with in the General Order. It was implicit that the assessment would extend, in an appropriate case, to threats to members of the public.

- 217 Also implicit in Senior Sergeant DB's evidence was that where an operation does not meet the definition for classification as high risk, this does not mean that extra precautions will not be required. He said:

There's high risk jobs that are easily defined and there's a number of jobs that don't fall into the definition that we put in a grey area that we would go with an elevated risk profile,

²²² To the level of Assistant Commissioner

²²³ T1914

²²⁴ T1913

²²⁵ T1915

²²⁶ T1915

that is we may well go with ballistic helmets, we may well go with ballistic vests and our primary weapon as a backup in case the job blows up in our face. So there's plenty of jobs we go to where we do put the extra equipment on, and that's to put us in a position that if the job turns for the worst we're prepared.²²⁷

- 218 Acting Sergeant DS gave evidence that he was not expecting the situation that eventually presented itself at the Tollgate Motel. He said that there was nothing in any of his conversations with Sergeant Pratt, Senior Sergeant DB or others that gave him cause for any such concern. Acting Sergeant DS had no knowledge of the detail of the STAR Operations involvement in the Friday night search or the Sands Motel operation, other than knowing that there had been an operation. He had no knowledge of Acting Sergeant Longbottom's assessment and broadcast in relation to the earlier search that Mr Morgan was a high risk suspect, nor of the intelligence assembled to assist the Sturt CIB to assess the matter, nor of course the other intelligence available but not disseminated.
- 219 It was submitted on behalf of the Commissioner of Police that it was not possible to have *known* that Mr Morgan was in current possession of a firearm and I agree with that. This might have a bearing on whether the operation should have been declared high risk but that is not a satisfactory answer to the concerns raised during the inquest. The true concern is whether, on the information available to SAPOL, it was reasonable to conclude that Mr Morgan *might* be armed with a firearm and if that suspicion was reached, whether measures ought to have been taken to guard against the risk that posed, even if the operation was assessed not to meet the criteria to be declared high risk.

What information was available to police

- 220 If all intelligence sources had been thoroughly consulted and understood, the information available to SAPOL members to inform their assessment of the risks associated with apprehending Mr Morgan would have included:
- Mr Morgan had 22 warnings between South Australia and Queensland, this included six for drug use, four for carrying weapons, three for making threats, three for trying to escape, one for being at risk in custody and one for being suicidal. Police information systems contained further details of each of the interactions leading to those warnings being recorded. The details available regarding the interstate interactions were less extensive than those relating to interactions in South Australia.
 - Mr Morgan had posted on Facebook on 20 October 2017, 'I'm off the rails cunt'.
 - Mr Morgan was actively wanted in respect of a police chase in South Australia in 2017.
 - One of Mr Morgan's recorded warnings was in relation to allegedly pointing a handgun at a female during a drug deal in 2015.
 - Mr Morgan's criminal history included separate aggravated assaults with a knife, rock and baseball bat, carrying offensive weapons, threatening to kill, driving dangerously to escape police pursuit, possessing a replica firearm, breaching bail.

²²⁷ T1912

- Mr Morgan had failed to attend for trial in Queensland in relation to a robbery of a prostitute with a knife and the District Court had issued a bench warrant for his apprehension, which remained active.
- Mr Morgan had a complex mental health history, including multiple attempts at suicide.
- Mr Morgan had provided police a false name and address when spoken to.
- Subsequently, Mr Morgan had run down a police officer with his vehicle when evading apprehension and appeared to be continuing to attempt to evade apprehension.

What might police have made of all that information?

- 221 It was entirely foreseeable to police that Mr Morgan would have understood the likely consequences of the Marion Road incident, namely that, given his offending history, he faced a sentence of imprisonment. An experienced police member considering all the information ought to have appreciated this.
- 222 I consider it very likely, given Mr Morgan's extensive involvement in the criminal justice system, that he would have believed that if apprehended he would be refused bail and, regardless of whether he was found guilty and imprisoned in South Australia, would eventually be extradited to Queensland to be dealt with for his outstanding matters with little likelihood of bail being granted at any stage. It ought to have been clear to any experienced police member who had a comprehensive overview of the available intelligence and Mr Morgan's history, that Mr Morgan would have understood this.
- 223 Against Mr Morgan's likely belief or understanding that he faced imprisonment in South Australia and then extradition to Queensland for trial and possible further imprisonment, there was actual evidence in his recent engagement with police of, at the least, a readiness to attempt to escape with little or no regard for causing injury in the process.
- 224 Mr Morgan's history of violent behaviour and evasion of apprehension, together with what should have been understood about his awareness of his current predicament, were strong indicators that he was desperate and might resort to violence in attempting to evade apprehension.
- 225 Then there was the important yet overlooked matter, against the background of what was known or ought to have been known about him from police holdings that, in 2015, only some two years earlier, Mr Morgan had allegedly been in possession of a handgun and had threatened a person with it. In those circumstances, it would make no sense, in my opinion, for police to dismiss as unlikely the possibility that he might now be armed with a firearm.
- 226 I acknowledge that Mr Morgan's offending history did not include the most serious forms of violent offending, such as murder, attempted murder, or intentionally causing serious harm. However, that does not justify dismissing as very unlikely the possibility that, in attempting to evade apprehension, his violent behaviour could escalate to such an outcome.
- 227 In my opinion, in assessing the level of danger if Mr Morgan chose to resist or evade capture, the precise nature of that danger could not be confidently predicted. However, it

should have been regarded as a realistic possibility that he was armed with a firearm and prepared to use it.

- 228 It is this true level of danger that I find police did not appreciate and, for that reason, did not adequately prepare for when planning and executing the operation at the Tollgate Motel. A more cautious approach was called for on the basis of everything which should have been taken into account.

Did the question of high risk distract from a proper assessment of the actual risk?

- 229 Much of the evidence during the inquest focussed heavily on, and was framed around, the question of whether Mr Morgan presented circumstances which met the specific criteria of high risk under SAPOL's General Order, Operational Safety. At times during the inquest I perceived that a focus on the terms of the General Order, and whether the situation met the high risk situation criteria, distracted witnesses from the first question: what were the risks, or the range of potential risks presented by Mr Morgan?

- 230 I doubt that focusing on the specific wording of the General Order, and the high threshold it establishes, played a role in the planning of the Tollgate operation. In my view, the real reason for the failure to perceive Mr Morgan as a desperate man, who may have had a firearm and been prepared to use it, was that Sergeant Pratt remained unaware of a critical matter. That being, according to available records, that Mr Morgan had allegedly possessed a handgun and threatened a person with it in Queensland in September 2015

- 231 I pause to note that Acting Sergeant Longbottom was not hindered by the specific wording of the General Order when, on the previous day, he came to his commonsense, logical and well-reasoned conclusion which I have quoted earlier. He clearly put all of the information together and formed the view that there were risks to police who would encounter Mr Morgan. He took the full information available to him and perceived potential for a seriously negative interaction. He did not conclude that the situation should be classified as high risk as defined in the General Order, Operational Safety, but neither did he then take it as a binary choice between 'high risk' and 'low risk' and fail to assess in the particular case what the real risks might be. Each police member involved at leadership level in the planning of the Tollgate operation should have assessed the full criminal history holdings they could access, or ensured they had received a full account of them and, in my opinion, should have perceived heightened circumstances of risk, which required greater preparation and precautions to ensure they could be met if they eventuated.

- 232 I was impressed by the witnesses who frankly admitted that the full intelligence situation, namely that the target had a combination of being wanted and on the run, drug issues, mental health issues, violence, police evasion, suicidality and quite recent firearms involvement, would have changed their approach if they had been made aware of it, or at least caused them to ask more questions before proceeding.²²⁸ To the extent that some witnesses maintained their disagreement that the full intelligence picture would have had any meaningful impact on the Tollgate operation, I do not accept that they would not have altered their approach in any way, or at least considered doing so.

²²⁸ For example, Senior Sergeant DB at T1977, Acting Sergeant DS at T2034, Inspector Walsh at T785 and Acting Chief Inspector Leverington at 1092

Some consequences of classifying a situation as high risk under the General Order

233 If the Tollgate operation was to have occurred with a classification of ‘high risk’ under the auspices of the General Order, Operational Safety, it would have been undertaken very differently. As Acting Sergeant Longbottom stated:

... we would not be merely taking the plan that we did with knocking on all these doors at the same time, if this was high risk [under] the General Order for Operational Safety, there is certain requirements under that General Order, and that would have – our plan would have aligned with those requirements, namely establishment of a forward commander, an officer of police should have been present if available, and also STAR Group would have responsibility for resolving that high risk situation.²²⁹

234 Acting Sergeant Longbottom went on to clarify that if it had been classified a high risk situation he would have been wearing a ballistic vest if he was involved in the operation, but that he would not in any event have knocked on any door as, instead, he would have provided the master key he had to a member of STAR Operations.

235 Senior Constable Hewkin stated that she and each police member present would have worn a ballistic vest if the operation had been declared high risk but she also said that she would not have been in the inner cordon and would not have been called to Room 11 as she was, once it became clear that Mr Morgan was in the room.²³⁰ Accordingly, her life would not have been put in danger.

236 Inspector Walsh gave evidence that if a high risk operation was underway (i.e. classified as such), he would have been called into work as the Duty Inspector.²³¹

Should the Tollgate operation have been classified as high risk?

237 It was submitted on behalf of the Commissioner of Police that at no time did the search for Mr Morgan on 20 October 2017 meet the criteria for a high risk declaration in accordance with SAPOL’s General Order. I have identified that the Operational Alert could have been more informative. I have found that there was a deficiency in the process of members obtaining and receiving information about Mr Morgan. I have found that in the final briefing there was a deficiency in the information presented as it related to Mr Morgan’s involvement with firearms. I have assessed, but not reached any conclusion about, the reasons for that occurring.

238 Without the members leading the operation having an awareness of the intelligence relating to Mr Morgan’s alleged quite recent use of a handgun, it is easy to understand why the operation was not deemed or classified high risk. Indeed, if that factor is put to one side, I agree that there was very little to indicate that Mr Morgan might be armed with a firearm. I agree that on the information to which Sergeant Pratt had regard, the test for classification of the operation as high risk was not met.

239 Even if the full intelligence-based situation was known to Sergeant Pratt, and then to STAR Group Operations senior personnel, I cannot say that the situation ought to have been declared high risk according to the General Order, although it might have been. If

²²⁹ T937

²³⁰ T241-2

²³¹ T711

the allegation of threatening a person with a handgun in 2015 was known to them, at the very least, in my opinion, Acting Sergeant DS would have told Sergeant Pratt that he needed to have further discussions with his superior officer. He would have telephoned Senior Sergeant DB to raise questions based on the information about the more recent alleged firearm use and how that should affect the categorisation of the operation. If it was decided to classify the operation as high risk, it would have been led by STAR Group Operations, rather than those STAR Group officers being present as extra police personnel to assist the CIB-led operation. If it was determined that the criteria for a high risk classification were not met, the next question of whether additional precautions were warranted to address the potential risk posed by a firearm could then have been considered and, if appropriate, the expertise of the STAR Group Operations could have been drawn upon.

Although not classified as high risk, should extra precautions have been taken?

- 240 I have stated my view that if Sergeant Pratt was aware of all the available intelligence, it should have been regarded as within the range of real possibilities that Mr Morgan would be armed with a firearm and may be prepared to use it. If that possibility was seriously entertained, and it was decided the criteria for classifying the operation high risk were not satisfied, it is likely, in my opinion, to have led to decisions to take other precautions or even delay the operation pending the assembly of extra tactical personnel.
- 241 One matter to be sensibly considered would be whether those knocking on doors should be wearing ballistic vests. During the inquest, I heard much evidence about the pros and cons of wearing ballistic vests.²³² Clearly, an assessed risk that a suspect might be armed with a firearm should lead to serious consideration of using protective equipment and the pros and cons could be taken into account having regard to that. In this case, the question did not arise because the intelligence taken into account was incomplete. An opportunity to enhance the safety of those involved was missed.
- 242 Other tactical decisions were also open for consideration. In SAPOL, STAR Group Operations Section are the experts in dealing with situations where firearms are or might be presented and were available to be consulted and to advise upon how that possibility might best be dealt with in all of the circumstances. Again, as a result of Sergeant Pratt not having critical relevant information, the need for further careful consideration was not identified.

The consequences of an inadequate risk assessment

- 243 There were consequences of SAPOL members being surprised by what they encountered, regardless of whether the operation ought to have been classified as high risk. First and foremost a different tactical approach might have been considered if the full intelligence-based picture was known, including tactics which might have avoided the commencement of the siege at all. The siege put civilians in adjoining and adjacent rooms, as well as nearby properties, at risk and in fear. It brought about a situation where members of police had to run to protect themselves. It placed Senior Constable Hewkin and her police dog in immediate danger. At the time the siege commenced, some STAR Group Operations equipment was not readily available and there were insufficient STAR Group members present to deal with the situation in an ideal way. I heard evidence about various

²³² For example, see T2275

equipment and tactics which might have been deployed if a high risk operation was declared in advance. I do not propose to explore those topics which are really matters of police methodology that are unnecessary to detail. I do, however, consider that the evidence establishes very clearly that different approaches were likely to have been considered had the true risk been perceived in advance, approaches that may have carried less risk to the public and to members of police.

- 244 For example, I consider it entirely plausible that lengthier surveillance might have been undertaken with a wider covert cordon in order to ensure that the location information was accurate and then, if possible, to discreetly evacuate civilians when Mr Morgan's location was confirmed. An option to minimise the risk of a siege might have been to wait for him to exit the room and arrest him. This was the earlier plan at the Sands Motel, which came to nothing only because Mr Morgan had already moved to the Tollgate Motel.
- 245 In that light, I reiterate that it was Acting Sergeant DS' evidence that if he had been presented a full picture of the intelligence available to SAPOL during the briefing at the staging area, he would have paused the involvement of STAR Group Operations Section in order to speak to his supervisor.²³³ It cannot clearly be known what the consequences of that would have been, however it is plain that it would not have resulted in any reduction in safety measures and could only have resulted in an increase in cautiousness. As I have observed, it was conceded, for example, that even if the operation was not declared high risk and proceeded as a local operation with STAR Group personnel assisting, a decision could still have been made to wear ballistic vests when doorknocking. Another obvious safety precaution would have been to park the STAR vehicle containing tactical equipment out of gunshot range of the rooms being doorknocked, so that this equipment could be quickly and safely retrieved if required. These are examples of the genuine impact a proper consideration of the intelligence would have had.
- 246 It follows that I am unable to accept the Commissioner of Police's submission that a classification of high risk would have had no impact on the manner in which the operation was carried out, even if the ultimate consequence was still that a siege occurred. Even without a classification of high risk, a proper appreciation of the available intelligence is likely to have led to a more cautious and safer approach.
- 247 I agree with the submission that it is within the remit and expertise of STAR Group Operations to deal with low risk situations that escalate to high risk situations in a matter of seconds.²³⁴ In this case, STAR Group personnel were only there because extra personnel had been requested for the conduct of the operation as planned. If it was perceived, as I have concluded it ought to have been, that Mr Morgan might have been armed with a firearm and prepared to use it, it is at the very least likely that senior STAR Group members would have played a greater role in guiding the deployment to ensure greater readiness to deal with any escalation.
- 248 It was a lack of full accessing and sharing of information that denied police the ability to properly assess the degree of caution which was required.

²³³ T2824

²³⁴ Written Submissions on behalf of the Commissioner of Police, Amended Appendix A at [18]

The decision to end the siege by taking Mr Morgan's life

- 249 In these findings, I have largely focused my attention on an assessment of whether there were foreseeable safety issues in respect of the police conducting their operation and whether those risks could have been, or should have been, mitigated. That was the predominant issue explored at inquest.
- 250 I have not overlooked that the inquest was brought about because of the decision to end the siege by taking Mr Morgan's life. Mr Morgan had accrued a significant criminal history in his short life. He lived with mental health issues which likely affected his decisions and behaviours. He had made a number of poor choices in the immediate lead-up to his death, fuelled by methylamphetamine. Despite these factors, he was not beyond rehabilitation. He was still young with a future ahead of him. During his teenage years he had been a productive member of the community and there was nothing to indicate that he could not have gone on to make a positive contribution. It is for that loss that I express my condolences to Mr Morgan's family.
- 251 It was submitted that my consideration of the reasonableness of Brevet Sergeant DA's decision is necessarily limited to an assessment of the test for use of force set out in the relevant General Order.²³⁵ I disagree. The coronial task is not only to ascertain compliance with policy and procedure, but also to examine whether policy and procedure itself is sufficient. I therefore approach my assessment of the reasonableness of Brevet Sergeant DA's decision not in any way limited by any police document, but instead by assessing whether it was objectively reasonable in a broad sense.
- 252 It is trite to say that the decision by state operatives to end the life of a person can never be one that is taken lightly and there was no evidence in the inquest which suggested to me that it was approached without the care and attention that such a decision dictates, although the final decision was made swiftly.
- 253 In assessing the reasonableness of the decision, and balanced against the extreme seriousness of the decision, I take into account the following factors:
- i. Mr Morgan had perpetrated harm on Senior Constable Solowij in the course of his duties, at the very least recklessly;
 - ii. Mr Morgan was in possession of a shotgun, an extremely dangerous weapon with a high risk of causing death or harm;
 - iii. Mr Morgan had pointed the shotgun at Senior Constable Hewkin's head;
 - iv. Mr Morgan had stated to police that he had a hostage and was seen to hold the shotgun to Mrs Morgan's head;
 - v. Mr Morgan's behaviour had become increasingly erratic, with shots fired out of the rear window in the direction of private residences, objects set on fire and thrown out of windows, as well as flammable liquid being thrown towards the burning objects outside and an improvised explosion set off in the bathroom;

²³⁵ Written Submissions on behalf of the Commissioner of Police, Amended Appendix A at [8]

- vi. Mr Morgan was creating a real risk of fire in the motel and if that was to occur, he was by his actions and threats creating an impediment to firefighting, increasing the risk of harm to civilians and police, and of damage to property;
 - vii. Forty-eight minutes had passed without any indication of peaceful resolution and with Mr Morgan continuing to make threats of violence;
 - viii. The opportunity to take decisive action presented itself when Mr Morgan came into the bathroom and into Brevet Sergeant DA's view and there was no reason for Brevet Sergeant DA to think that another opportunity would present itself;
 - ix. The incident was occurring in a public place with residences around.
- 254 In light of all of those factors, I cannot find any criticism to be made of the serious decision to end the siege by taking Mr Morgan's life. While other options might have been considered, I cannot say that it was unreasonable for Brevet Sergeant DA to have formed the view that discharging his firearm was the only reasonable way to prevent serious injury to other persons, most particularly Mrs Morgan, given the manner in which events had escalated to that point.
- 255 I heard evidence about the possibility of conducting an emergency action (i.e. storming an entry) which would have put the lives of members of police at extreme risk, as well as the life of Mrs Morgan. Brevet Sergeant DA did not know when or if that might occur but he did know that, at best, it could not be done without those extreme risks. I do not consider that to have been an option that Brevet Sergeant DA was obliged to wait for.
- 256 It was suggested that Brevet Sergeant DA might have yelled out to Mr Morgan to give him a final chance to put his weapon down. I observe that such a request had been made many times by other police before Mr Morgan became visible to Brevet Sergeant DA in the bathroom window and he had not complied. I accept Brevet Sergeant DA's reasoning that in doing so, he would have revealed his position, exposing himself to danger and, in the likely event of Mr Morgan quickly withdrawing, he would have lost the opportunity to act to end the siege. While it was open to consider, I do not consider this to have been something that Brevet Sergeant DA was obliged to do.
- 257 It was canvassed in the inquest whether there were means to achieve the end of the siege by injuring Mr Morgan without specifically taking his life. However, putting aside the difficulty involved in that approach (given the shot would have had to have been taken from window to window from a distance at a target who was not stationary and was not frontally presented), there were also serious risks involved in attempting it. The primary risk was that Mr Morgan would react to being injured by escalating the situation further, including putting Mrs Morgan at even greater risk (I remind myself of Dr Naso's assessment that a murder-suicide was on the cards) as well as exposing Brevet Sergeant DA to a risk of return fire. I consider that there can be no criticism of the decision to act decisively.
- 258 I received no evidence that there is any widespread or systemic issue with the application of the terms of the General Order considered by Brevet Sergeant DA before shooting Mr Morgan, and so I do not propose to examine its terms. In short, it appears to have guided a reasonable decision on this occasion, and I see no reason why it would not guide further reasonable decisions on other occasions. The Commissioner of Police no doubt

routinely reviews important policies like this to ensure that it meets contemporary standards.

- 259 Given my consideration of the issues, although I consider that the overall incident could have been dealt with in a safer manner, I am unable to reach a conclusion that Mr Morgan's death was preventable other than by varying his own choices.

Recommendations

- 260 In light of my findings and the overall circumstances of this matter, I consider that there are no recommendations that I need make that would contribute to an improvement in public safety.

Keywords: Death in Custody; Police Shooting; Siege