



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of
Mathew RICHARDSON**

TITLE OF COURT: Coroners Court

JURISDICTION: Cairns

FILE NO(s): COR 2013/3864

DELIVERED ON: 26 November 2014

DELIVERED AT: Cairns

HEARING DATE(s): 5 November 2014 & 25 November 2014

FINDINGS OF: Mr Terry Ryan, State Coroner

CATCHWORDS: CORONERS: Death in custody, suicide,
engagement of the Special Emergency Response
Team

REPRESENTATION:

Counsel Assisting: Mr Peter Johns

'SERT' police officers: Mr Troy Schmidt

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The *Coroners Act 2003* provides in ss. 45 and 47 that when an inquest is held into a death in custody, the coroner's written findings must be given to the family of the person who died, each of the persons or organisations granted leave to appear at the inquest and to various officials with responsibility for the justice system. These are my findings in relation to the death of Mathew Richardson. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

Introduction

Mathew Richardson lived in a makeshift campsite on an isolated property near Almaden in central far north Queensland, over 2.5 hours' drive from Cairns. He avoided contact with other people, which assisted in the management of his untreated psychiatric condition. In May 2013, he failed to attend court and a warrant was issued for his arrest.

In October 2013, because of threats made by Mr Richardson to the owner of the land on which he lived, and his apparent access to a shotgun, it was decided that the QPS Special Emergency Response Team (SERT) should conduct an arrest.

When SERT officers unexpectedly appeared at his campsite and he became aware of his impending arrest, Mr Richardson attempted to hang himself using rope and a chain suspended over a nearby cliff. The apparatus, which had been pre-prepared for this purpose, failed and Mr Richardson fell to rocks below where he sustained fatal injuries.

These findings:

- confirm the identity of the deceased person, how he died, and the time, place and medical cause of his death;
- examine the basis on which SERT was deployed to arrest Mr Richardson;
- determine whether the police officers involved in the attempted arrest of Mr Richardson adhered to QPS policies and procedures regarding the use of force; and
- consider whether any changes to procedures or policies could reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety or the administration of justice.

The investigation

An investigation into the circumstances leading to the death of Mr Richardson was conducted by Detective Senior Sergeants Mark Cordwell and Lisa Scully from the QPS Ethical Standards Command (ESC). Detective Senior Sergeant Scully gave evidence at the inquest.

The isolation of the scene of Mr Richardson's death posed some initial investigative difficulties which I am satisfied were adequately and properly overcome.

The Officer in Charge of ESC was notified around midday on 26 October 2013 of the incident involving Mr Richardson. This was around 80 minutes after the attempted arrest. By this time the Regional Crime Coordinator, Detective Inspector Kevin Goan, was on his way to the scene. After consultation with my Office, ESC officers were assigned to investigate the case as a suspected death in custody. Two Crime and Misconduct Commission (CMC) officers also attended in an oversight capacity.

As ESC investigators would not be able to get to the remote scene quickly DI Goan was directed to manage initial investigations. He did this by ensuring all SERT officers were separated at an early stage. He directed that breath samples be provided and later conducted directed interviews the recordings of which were tendered at the inquest.

Forensic and scientific police attended the scene and examined the body of Mr Richardson. A series of photographs were taken of the body in situ along with relevant aspects of the surrounding area. Correspondence found in Mr Richardson's camp site was photographed before being appropriately secured.

ESC investigators were briefed the following morning and then travelled to the site of Mr Richardson's camp. Over the course of 27 and 28 October 2013 those officers, with oversight from CMC investigators, conducted directed 'walk through' and formal interviews with the officers involved in the events leading to Mr Richardson's death. Urine samples were collected under direction and later analysed. The investigation then expanded into an analysis of the events leading to Mr Richardson's arrest warrant being issued and the basis upon which SERT became involved.

Although it is far from ideal to have the police officers involved in the attempted arrest also involved in the process of removing Mr Richardson's body from the scene, I appreciate it was necessary in this case. The potential for there to be concerns raised on this issue was recognised at the time and reasonable steps were taken to ensure forensic examinations concluded before the body was moved.

Requirements for information were served on three health district boards by my Office. Although the Cape York Hospital and Health Service and the Townsville Hospital and Health Service found reference to Mr Richardson on their databases no relevant records could be located. Medical records for Mr Richardson were obtained from Cairns Base Hospital and were tendered at the inquest.

I am satisfied the investigation was conducted professionally and that I have been provided with all relevant information. I thank the investigating officers for their efforts.

The Inquest

An inquest was held in Cairns on 25 November 2014. All of the statements, records of interview, medical records, photographs and materials gathered during the investigation were tendered at the inquest. Oral evidence was heard from one of the investigating police officers and two of the SERT officers involved in the process of attempting to arrest Mr Richardson.

I am satisfied that all the material necessary to make the requisite findings was placed before me at the inquest.

The evidence

Personal circumstances

Mathew Richardson was born on 3 May 1968 in Hornsby, NSW making him 45 at the time of his death. Mr Richardson would later use the name "Faun Seabrook" on a regular basis. After leaving home at 17 his only contact with his mother was a very occasional letter until they re-united in the early 2000s. At that time she arranged for him to access some mental health treatment for a period before he returned to an itinerant lifestyle.

Records from Cairns Base Hospital show that in 1999 Mr Richardson approached that hospital's mental health service to support his request for a move to north Queensland. It appears that he was required by both parole and bail conditions in place at the time to reside in Brisbane. He was being treated by a psychiatrist based in West End and obtaining assistance from the Coorparoo Mental Health Service. The records establish that he had a major diagnosis of Antisocial Personality Disorder although exhibited some signs of a schizoid personality and borderline psychotic symptoms. There is no indication that Mr Richardson had received any mental health treatment for many years.

In the years prior to his death Mr Richardson had been residing alone on a remote property owned by James O'Shea in the Bismarck Creek area near the town of Almaden in central far north Queensland. This had initially been with the permission of the landowner though, for reasons set out below, this did not remain the case. His camp was on the edge of a cliff overlooking the Bismarck Gorge.

The circumstance of Mr Richardson's death was sudden and no doubt shocking for his family and friends. I offer them my sincere condolences.

Basis for the attempted arrest

On 23 April 2013 a search warrant was obtained by officers from the Mareeba Child Protection Investigation Unit (CPIU) in relation to the encampment occupied by Mr Richardson. This stemmed from two alleged offences pertaining to two different complainants. The first complaint concerned an allegation of indecent treatment of a 12 year old girl in 2003. The second concerned an allegation of stalking. This arose from a letter allegedly sent by Mr Richardson to the 13 year old daughter of a local merchant who had delivered supplies with her father to Mr Richardson at Bismarck Creek.

Later that day the officers executed the search warrant at the unoccupied camp site before sighting Mr Richardson below them in a creek bed. They later recorded that when Mr Richardson saw them, he scaled a cliff opposite their position. He refused to come down and advised police he did not wish to be interviewed.

A notice to appear was left at Mr Richardson's campsite requiring his attendance at Mareeba Magistrates Court on 27 May 2013. The officers say Mr Richardson

verbally acknowledged the contents of the notice and they later, from a distance, saw him in possession of the document. During the course of their search the officers found shotgun shells and later made a note of this on the QPS database.

Mr Richardson failed to appear in court on 27 May 2013. A warrant was issued for his arrest.

On 8 October 2013 James O'Shea made a complaint to PCSC Chad Prien at the Tablelands CIB about events which had occurred the day before. Mr O'Shea stated that he had travelled with members of his family and staff to a gorge on his property to go for a swim. The group included a number of children. On arrival Mr Richardson, unprovoked, began to yell at them from a distance; swearing at, and abusing them. He told police that Mr Richardson then began banging a large set of metal symbols or something similar.

While making the complaint Mr O'Shea told PCSC Prien that he had been told a year earlier by other family members that Mr Richardson was in possession of a shotgun. Mr O'Shea said he felt intimidated and was concerned for the safety of his family. He told police that Mr Richardson no longer had permission to be on his property. This information was also recorded in the QPS database against Mr Richardson's intelligence profile.

Involvement of SERT

On 10 October 2013 PCSC Prien made a "request for assistance" to SERT in relation to Mr Richardson. In that document he cited the information available to him from the QPS database about shotgun shells being observed in April 2013. He also included the information from his interview with Mr O'Shea. He noted that Mr Richardson was wanted on seven warrants from NSW in relation to alleged assaults and sexual offences, in addition to the Queensland warrant. The document recorded a belief that Mr Richardson suffered from schizophrenia.

The basis for requesting SERT involvement was the intelligence suggesting Mr Richardson was in possession of a firearm; that he was believed to be suffering from mental illness, and that he was located in a remote area which in turn presented potential dangers to general duties officers should they be injured.

The request was endorsed by the OIC Cairns SERT, Inspector Don McKay, on 23 October 2013 and then approved by the Deputy Commissioner in accordance with QPS requirements.

Events leading to death

On 25 October 2013 SERT officers spoke with Mr O'Shea about the layout of his property and the best way to gain access to Mr Richardson's campsite. Briefings were conducted later that day by SERT operative 10 who had been designated as commander. A day earlier, Emergency Management Queensland (EMQ) had been notified of the impending operation so that they were aware of the specific location and could be on standby if required.

On 26 October 2013 PCSC Prien and a dog squad officer, Sergeant David Raymond, drove with the SERT officers to a drop off point several kilometres from Mr Richardson's camp. Sergeant Raymond remained at the drop off point as his dog would not stay sufficiently quiet.

The SERT commander had briefed the operatives on alternate plans depending on whether Mr Richardson was stationary or moving. Two operatives took up position in an observation post while PCSC Prien and three other SERT operatives moved towards Mr Richardson's camp. As these four officers approached the camp at around 10:40am they were advised via radio that Mr Richardson had moved out of sight of the observation team and was heading in their direction.

Operative 155

Operative 155 gave evidence at the inquest. He was briefed the night before the attempted arrest by his tactical commander and team leader. He described the objective of the mission as to detain Mr Richardson in a safe manner. SERT operatives were given information about the possibility that Mr Richardson was in possession of a shotgun and Mr Richardson's mental health issues.

The plan was for three SERT operatives to contain Mr Richardson's camp site. They would sit and wait for him to leave the camp and then intersect him while he was away from the potential risks at the camp.

Operative 155's evidence at the inquest was that a short time later Mr Richardson came very close and then saw him. Operative 155 immediately challenged Mr Richardson and identified himself as a police officer. His evidence was that Mr Richardson immediately turned and ran back towards his camp. A 'stun grenade' described as a two bang sound/flash device was thrown by operative 155 over Mr Richardson's head for the purpose of disorientating Mr Richardson. It was hoped by Operative 155 that Mr Richardson would stop running away from him and he could close the gap between them.

Altogether three stun grenades were thrown by operatives 155 and 99 as Mr Richardson ran towards his camp site and a nearby cliff. Despite their intent, the use of the stun grenades did not appear to distract Mr Richardson. Although the devices functioned effectively, Mr Richardson threw away a hiking stick he was carrying and ran back towards his camp.

Operative 155 says he watched as Mr Richardson jumped off a small ledge where he lost sight of him temporarily. When he regained sight of him, Mr Richardson picked up a noose, placed it around his neck and tightened it before stepping off the edge of the cliff.

According to operative 155 Mr Richardson did this as he repeatedly identified himself as a police officer and called on Mr Richardson to stop. The closest he got to Mr Richardson was a distance of 10 metres.

Although apparently designed to leave Mr Richardson suspended from a nearby tree, the chain attached to the rope broke and Mr Richardson fell on to the rocks many metres below. Operative 155 stated that no one touched the rope or chain until it was photographed later that day.

Operative 155's evidence was that he compiled several pages of notes immediately, and later established a helicopter landing zone and assisted with the retrieval of Mr Richardson's body.

Operative 136

Operative 136 also gave evidence at the inquest. He stated that he was not part of the tactical briefings for the arrest but was briefed about his role in the operation. His role was to provide an observation point approximately 400m away from the camp site. From this spot, a location across the Bismarck Gorge, he could relay messages to the operatives engaged in Mr Richardson's detention.

Operative 136's evidence was that he was not able to see the rope before Mr Richardson had accessed it. He had Mr Richardson under observation for some time before the other operatives reached the camp. He saw that he had a pattern of walking in the front of his shelter before returning inside. He then saw Mr Richardson place a green flag or sheet on a nearby tree. At around 10:35am he then returned to the camp and soon after left with a long hiking stick. Operative 136 then lost sight of him as he went over an incline.

Operatives 155, 99 and 67 had the camp contained by this time. Operative 136 was able to advise them that Mr Richardson was exiting the camp. He heard the light and sound devices and the directives given by the operatives on the other side of the gorge to Mr Richardson. Approximately one minute after he left the camp he saw Mr Richardson return to the cliff's edge, place the rope around his neck, and step off the edge. He observed Mr Richardson fall and then saw that the rope appeared to break.

Operative 136 is a trained medic. He walked into the gorge with operative 44 and after 15-20 minutes reached Mr Richardson who was unconscious but appeared, initially, to be breathing. He was laying on his back with a severely fractured arm.

They commenced first aid. A short time later no vital signs could be detected and he and Operative 44 began administering CPR. This was continued for 20-25 minutes. EMQ were contacted and some officers began clearing a landing area for the emergency helicopter. Unfortunately, it became apparent that Mr Richardson was not going to be revived.

PCSC Prien was asked to start taking notes of what he had observed and to keep a log of events. Senior officers were notified and directions received from DI Goan that the SERT officers should remain separated from each other until interviewed by investigators. After being photographed and subjected to forensic analysis Mr Richardson's body was carried a short distance and then transported from the scene by helicopter.

Autopsy results

A full autopsy examination was carried out on 29 October 2013 by an experienced forensic pathologist, Dr Paull Botterill.

Samples were taken for histology and toxicology. No drugs or alcohol were detected. Dr Botterill considered the summary of events provided to him by police and in his report Dr Botterill stated:

“In plain terms, post mortem examination showed a mark around the neck consistent with effects of a neck ligature, severe chest and abdominal injury (with multiple rib and spine fractures, pelvic fractures, damage to the liver, spleen, bladder and left kidney), a broken left arm, bleeding over the brain surface, a scalp tear and grazes over the body in keeping with the provided narrative”.

Dr Botterill issued a certificate listing the cause of death as:

- 1(a) *Multiple injuries*, due to or as a consequence of
- (b) *Fall from height*

Investigation findings

None of the SERT officers required to provide urine specimens tested positive for alcohol or drugs.

No shotgun or any similar weapon was found amongst Mr Richardson’s belongings.

Mr Richardson was a prolific letter writer and a great deal of unsent correspondence was found at his campsite. The contents record his day to day experiences and musings on a wide variety of topics. Relevantly for these proceedings they establish an expectation that he would soon be dead and a desire that this be the case in preference to being dealt with by a criminal justice system he considered misguided and corrupt.

Mr Richardson’s body was found with a noose around his neck extending from a long rope which extended high into the branches of an adjacent tree.

The rope and a chain were connected and tied in a manner that would have allowed access to the noose from the top of the nearby cliff.

There was no evidence of assault or physical interaction between Mr Richardson and any other person prior to his fall.

Family concerns

At the inquest Mr Richardson’s mother identified two major areas of concern.

Her first concern was that it was unnecessary to engage SERT to effect Mr Richardson’s arrest given his history of mental illness and the fact that no gun was found at the scene of his camp after his death.

Her second concern was that Mr Richardson’s body was not immediately covered following his death, resulting in blistering to his skin from the sun. I appreciate that this has caused some distress to the family. However, the evidence of SERT operatives was that they do not carry sheets for this purpose. I accept that the covering of bodies following deaths in public spaces is done more to shield the public than for any forensic purpose.

Conclusions

It cannot be disputed that police were entitled, indeed expected, to arrest Mr Richardson. That entitlement had arisen independent of any process involving SERT officers.

I accept that there was a reasonable basis for SERT to be used in this case to give effect to the arrest. In coming to this conclusion I have considered the contents of chapter 2.19.13 of the QPS Operational Procedures Manual. This chapter addresses the meaning of a “*high risk situation*” which, if met, justifies the deployment of SERT operatives to carry out a specific task. In particular it states:

High risk situation

The circumstances and types of situations which may be defined as high risk vary widely. The essential judgement that needs to be exercised is whether the real or impending violence or threat to be countered is such that the degree of force that could be applied by police is fully justified. In this context, one or more of the following criteria may be used to define 'high risk' for the purpose of these guidelines:

- (i) seriousness of the offence committed by the suspect/offender;*
- (ii) expressed intention by suspect/s to use lethal force;*
- (iii) reasonable grounds to believe the suspect;*
 - (a) may use lethal force;*
 - (b) has or may cause injury/death;*
 - (c) has issued threats to kill or injure any person(s);*
 - (d) has a prior history of violence; or*
 - (e) is exhibiting violence; and*
- (iv) involvement of innocent participants (e.g. hostages, VIP's or bystanders).*

In this case the threats to Mr O'Shea's family and the reasonable belief that Mr Richardson may have a shotgun were sufficient to warrant the classification. Another relevant consideration was the fact that Mr Richardson's criminal history included assault offences. He was also an experienced bushman who had previously evaded police at his camp. The SERT team's capacity to navigate the remote terrain would also have been a relevant consideration in their deployment.

There is nothing sinister in EMQ having been notified about the impending arrest two days prior. One of the reasons cited for not having general duties officers carry out the arrest by themselves was the heightened danger posed should an injury occur in the remote location.

Any suggestion that Mr Richardson was hounded or victimised by police is surely dispelled by the fact nothing was done in relation to the warrant for his arrest until the QPS was prompted by the complaint of Mr O'Shea some five months after the warrant was issued.

I can understand why there might be some concern amongst Mr Richardson's friends and family about the sudden and no doubt frightening manner in which he was confronted by police. I readily accept, though, that there was a sound tactical basis for the way in which the SERT officers acted. The approach taken had been discussed in detail the day before the attempted arrest. There was an understandable intent to arrest Mr Richardson before he had time to potentially gain access to a nearby weapon. The use of 'stun' grenades is a legitimate and non-lethal way of achieving that legitimate purpose. There is no basis on which I could find the officers failed to adhere to QPS policy requirements on the use of force as it was appropriate in the circumstances.

It is likely in my view that Mr Richardson would have attempted to hang himself no matter how he was approached. It is clear from his writings that Mr Richardson's actions were not a response to being frightened or stunned by the way SERT approached, rather were always intended should police attempt to arrest him, however that occurred.

Findings required by s45

I am required to find, as far as is possible, the medical cause of death, who the deceased person was and when, where and how he came by his death. As a result of considering all of the material contained in the exhibits, I am able to make the following findings:

Identity of the deceased – The deceased person was Mathew Richardson.

How he died - Mr Richardson died when a chain securing a noose he was using in an attempt to hang himself broke, and he fell to the bottom of a cliff over which the noose had been suspended. This occurred moments after police officers appeared suddenly at his remote encampment with the intent of arresting him on an outstanding warrant.

Place of death – He died near Almaden via Dimbulah in Queensland.

Date of death – He died on 26 October 2013.

Cause of death – Mr Richardson died from multiple injuries caused by a fall from height.

Comments and recommendations

Section 46, insofar as it is relevant to this matter, provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

This was an unusual case and not one which presents any obvious basis on which to suggest that SERT made a tactical error in their approach. The actions of Mr Richardson were pre-meditated and it is unlikely, tragically, that he could have been saved no matter what approach had been taken to the arrest.

Having determined that the attempt to arrest Mr Richardson was legitimate and that SERT were appropriately deployed, I do not consider there are any matters on which I can usefully comment pursuant to section 46.

I close the inquest.

Terry Ryan
State Coroner
Cairns
26 November 2014