



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of
Leslie Geoffrey WINBANK**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO(s): COR 2014/4409

DELIVERED ON: 26 August 2016

DELIVERED AT: Brisbane

HEARING DATE(s): 25 July 2016, 19 August 2016

FINDINGS OF: Terry Ryan, State Coroner

CATCHWORDS: CORONERS: Death in the course of a police
operation; suicide; firearms; siege.

REPRESENTATION:

Counsel Assisting: Mr Peter Johns

Commissioner of Police: Ms Elizabeth Gullo

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Introduction

1. Leslie Winbank was 53 years of age when he died on 30 November 2014 at his home at Deception Bay. Mr Winbank was facing financial, relationship and health related stressors when, early on that day he produced a firearm in the presence of his wife. He briefly threatened her and then retreated to the lounge room of their home. After police arrived he allowed the other occupants of the house to leave safely.
2. Police negotiators spoke to Mr Winbank but the situation remained unresolved when they lost contact with him early in the afternoon. After there was no communication for some six hours, police approached the house and found Mr Winbank dead from a gunshot wound.
3. These findings:
 - confirm the identity of the deceased person, how he died, and the time, place and medical cause of his death; and
 - because Queensland Police Service (QPS) officers were present and interacted with Mr Winbank shortly before his death, consider the adequacy of the QPS investigation into the death.

The investigation

4. Detective Sergeant Jeffrey Gillam from the QPS Internal Investigations Group (IIG) investigated the circumstances leading to Mr Winbank's death.
5. Detective Gillam travelled to the scene of Mr Winbank's death with other IIG investigators. The house where Mr Winbank died had been secured as a crime scene as soon as he was found deceased. Forensic officers attended the scene and took a series of photographs, which were tendered at the inquest. An interactive crime scene was created by an officer from the QPS photographic section.
6. An officer from the QPS Scientific Ballistics Unit examined the scene. Another scientific officer conducted a gunshot residue test on Mr Winbank's body.
7. A firearm and several unfired cartridges were seized along with a single discharged cartridge found within the breach of the weapon.
8. A digital camera was found in the lounge room and footage was downloaded by a QPS scenes of crime officer. This footage was tendered at the inquest.
9. Recordings of the Triple 0 calls, QPS computer aided despatch logs and radio transmissions relating to the deceased were obtained and tendered at the inquest.

10. The QPS Special Emergency Response Team (SERT) officers involved in securing the inner and outer cordons which had been formed around Mr Winbank's house were breath tested and interviewed. Investigators then conducted interviews with other key police personnel involved in the incident.
11. Family members were interviewed and relevant medical records obtained in order to understand what might have led Mr Winbank to take his own life.
12. I am satisfied that the QPS investigation was thoroughly and professionally conducted and that all relevant material was accessed.

The Inquest

13. Although Mr Winbank would have been arrested if he emerged from his house, it is unlikely he was "*trying to avoid being put in custody*" at the time he died. There are a range of other explanations for his decision to kill himself when he did, and it is likely his intention to do so was established before police arrived. His death is not, therefore, a death in custody for the purposes of the *Coroners Act 2003*.¹
14. However, Mr Winbank's death is a death that happened during the course of a police operation. In accordance with the legislative presumption in such cases, an inquest was held.²
15. Following a pre-inquest conference on 25 July 2016, the inquest took place in Brisbane on 19 August 2016. Mr Winbank's family were advised that the inquest was taking place and invited to attend. His mother and sister attended at the inquest and were provided with a copy of relevant materials from the brief of evidence.
16. All of the statements, records of interview, policy documents, medical records, photographs and materials gathered during the investigation were tendered at the inquest. I accepted the submission from counsel assisting, Mr Johns, that all evidence be tendered and that oral evidence be heard from one witness, the investigating officer Detective Sergeant Gillam.
17. I consider that the evidence tendered, in addition to the oral evidence from Detective Sergeant Gillam, is sufficient for me to make the findings required under s 45 of the Act.

The evidence

Personal circumstances

18. Mr Winbank was born on 13 May 1961. At the time of his death he lived at Deception Bay with his wife of 29 years and their twin sons, aged 18 years. Their eldest son, aged 28 years, lived independently at Woody Point.

¹ S 10(1)(c)

² S 27(1)(a)(iii)

19. Mr Winbank's wife told investigators that there had been longstanding problems in their relationship, which had recently deteriorated further. Although residing together they had lived largely separate lives. She had returned home the day before Mr Winbank's death after staying with her mother for a week, and was planning to leave again to a place of her own.
20. Mr Winbank had been in poor health for many years due to a disc prolapse of 20 years duration and, more recently, testicular and prostate cancer. He underwent a radical prostatectomy in 2012. This had left him unable to work and he suffered chronic severe disabling pain. He was in receipt of a disability pension.
21. Mr Winbank was regularly seeing a psychiatrist and taking prescribed pain relief medication, including Endone and Targin, which he supplemented with cannabis use several times each day.³
22. Medical records show that Mr Winbank's treating psychiatrist thought it likely that he was suffering from ADHD but queried whether he was depressed. He was taking Endep and Ritalin for those conditions. However, there is no indication from these records or from interviews with family members that he had expressed thoughts of suicide or self-harm. He had disclosed that his father was a Vietnam veteran who was violent and unpredictable, and had taken his own life.⁴
23. Tragically, some members of Mr Winbank's family were caught up in the events leading to his death. This will have undoubtedly exacerbated the distress of losing their loved one. I extend my condolences to them.

The morning of 30 November 2014

24. Mr Winbank's wife woke on the morning of 30 November 2014 to find her husband making a cup of tea in the kitchen. Their 18 year old son, Keane, was also at the home with his girlfriend.
25. Mrs Winbank found a \$20 note on the floor, picked it up and asked why it was there. Mr Winbank replied that she could "*stick it up her arse*". This response was a little surprising given there had been no conflict that morning or the previous evening.
26. After making her breakfast, Mrs Winbank returned to her room. She told investigating police that five minutes later Mr Winbank entered her bedroom. He pointed a gun at her and demanded the return of the \$20 note in an angry fashion before pointing the gun at his own head and threatening to shoot himself. Mr Winbank began to talk in a rambling manner about various complaints. A short time later Mrs Winbank heard plates being smashed at the end of the hall.

³ Exhibit D4

⁴ Exhibit D2

27. Keane heard the commotion and joined Mrs Winbank, together with his girlfriend. They called Michael, the eldest of the couple's children and explained to him what had occurred. Michael then contacted police.
28. QPS communications records show that they were contacted by Michael at 7:34am. A recording of the ensuing conversation was tendered at the inquest. Michael can be heard telling police that his mother, brother and brother's girlfriend were hiding in a bedroom of the Winbank residence at Deception Bay. Michael advised police in the conversation that Les Winbank was "*going off*", was armed with a hand gun and was smashing property.
29. Police from Deception Bay were initially tasked with the job. Units from Redcliffe, Caboolture and Burpengary also responded. All units were advised not to approach the property. A nearby corner was designated as a staging point and the officers assembled there, awaiting further direction.

Police arrive

30. A temporary forward command post was established at the site of the initial rendezvous and officers were directed to form an inner cordon around the Winbank property.
31. At 8:06am Mr Winbank made contact with police communications by telephone and had a lengthy conversation with the call taker. Mr Winbank told police that he was still armed with a handgun and that the others in the house were in a bedroom. Mr Winbank told police he was in constant pain and had no quality of life. After disclosing his address he said "I think I want to finish it".
32. Mr Winbank told the call taker that he had a gun in his hand which was loaded. He said that his plan was to use the gun because it was "time to move on". He also said that he was aware of movement in his yard and that he would shoot any police officer who came into the home. This information was passed on to the police crews at the scene via radio.
33. During this conversation the police communications operator also obtained details of Mr Winbank's treating psychiatrist, Dr Howard Granger. At 8:39am a message was left for Dr Granger at the Pine Rivers Private Hospital.
34. The conversation between police communications and Mr Winbank continued. At 9:03am Mr Winbank told the operator he was vomiting as a result of taking too many painkillers. Mr Winbank asked to speak to Dr Granger who had, by this time, made contact with police. A short time later police called Mr Winbank and attempted to connect Dr Granger. However, the connection failed. A further attempt was made, but for unexplained reasons, Mr Winbank then declined to speak to Dr Granger.

35. At 9:36am, Mr Winbank advised police that the other occupants of the house could leave. When police spoke with Mrs Winbank she was understandably reluctant to leave in circumstances where she would need to walk past her husband who was still armed.
36. At 9:58am during the phone call between the QPS call taker and Mr Winbank, arrangements were made for the other occupants to leave the house in a way in which they felt safe. At 10:03am Mrs Winbank, Keane and his girlfriend left the house without incident. Mr Winbank had agreed to place his rifle in a cupboard while this took place. He said at this time that he wanted his family to leave the house. He would then go with the police and it “would be start of his recovery”.
37. Mr Winbank was then transferred to police negotiators who continued to speak with him until 10:25am, when contact was lost. The negotiators were able to contact Mr Winbank again at 10:43am at which time it became apparent that the home phone handset was low on power. Mr Winbank told police that he would try to charge the handset so their conversation could continue. Mr Winbank was speaking openly with negotiators, his stress levels were low and he appeared calm. A basic surrender plan was discussed with him at this time.
38. At 11:06am the Police Forward Commander, Acting Inspector David Crawford-Raby, declared an emergency situation pursuant to the *Public Safety Preservation Act 1986*.
39. At 12:56pm the last conversation took place between police and Mr Winbank. Shortly before this he had indicated to negotiators that he would ‘be out in a minute’. Detective Gillam told the inquest that there was nothing particularly noteworthy about the last conversation and that it appeared to end due to a further loss of power to the handset being used by Mr Winbank. Further attempts to call the line were unsuccessful. Police then attempted to contact Mr Winbank using a long range audio device but there was no response. A short time later it was decided to request SERT attendance because of the lack of any response from Mr Winbank.
40. At 3:35pm SERT officers arrived at the scene and were briefed by the Police Forward Commander. The SERT officers took over the cordons from general duties officers. The objective of the SERT deployment was to contain the situation and provide a safe platform for negotiations with Mr Winbank.
41. An emergency action plan and surrender plan were approved and endeavours made to communicate the latter to Mr Winbank. By 6:35pm there had been no further contact from Mr Winbank. SERT officers then deployed a tactical entry ‘robot’ to the front of the house in an effort to gain vision of the inside. Although the robot was able to enter the front door it became stuck between the door and a sofa and could not be manoeuvred into the house.

42. The loud entry of the robot failed to elicit a response from Mr Winbank. Consequently, at 7:13pm three SERT officers were directed to approach the house and deploy a smaller robot on to the front veranda. As with the first robot this was intended to provide camera footage of the interior of the house. As the officers approached the front veranda they caught a glimpse of Mr Winbank's legs, which were motionless. The officers called to Mr Winbank and entered the house after receiving no response.
43. The officers found Mr Winbank laying on the ground beside a firearm with an obvious and significant wound to his head. Queensland Ambulance Service officers who were already at the scene immediately attended to Mr Winbank. Unfortunately, there was no treatment that could usefully be provided and he was declared deceased.

Autopsy results

44. Experienced forensic pathologist, Dr Philip Storey, conducted a full internal autopsy examination on 2 December 2014. A CT scan was performed and samples were taken for histological and toxicological examination. Dr Storey had the benefit of these results when compiling his report, which was tendered at the inquest.
45. The toxicology results showed expected levels of several prescribed medications along with a high level (within the "low toxic range") of the pain relieving medication Oxycodone. No alcohol was detected though cannabis use was.
46. In his report Dr Storey commented:

This man has died as a result of a fatal gunshot wound to the head with a contact entry wound at the right side of the head and an exit wound at the left...This was an immediate life threatening injury.

It is possible that he has acutely taken several oxycodone/naloxone tablets prior to death. The oxycodone level, whilst high, may have been tolerated by someone who was taking the drug on a regular basis.

47. Dr Storey issued an autopsy certificate listing the cause of death as:
 - 1(a) Gunshot wound to head.

Investigation findings

48. Footage downloaded from the digital camera found near Mr Winbank's body depicted him holding the weapon found at the scene to his head on several occasions. It is apparent from this footage that it was filmed in the hours prior to Mr Winbank's death. The footage does not depict the discharge of the weapon.

49. An examination of the weapon found beside Mr Winbank showed it to be an altered and shortened Slazenger bolt action rifle. A ballistics officer conducted testing which found the discharged shell casing located at the scene was discharged by this weapon. The fragmentation of the projectile meant that it could not be compared to a sample projectile fired by the ballistics officer from the same weapon. However, the copper wash coating on the projectile found in the body of Mr Winbank is found exclusively in .22 calibre rim-fire projectiles; the type fired by the weapon found at the scene.
50. The serial number on the weapon was not recorded in the QPS database. Tests showed that it had a normal trigger pressure and was not susceptible to accidental discharge.
51. None of the SERT officers involved in the incident tested positive for alcohol when breath tested.
52. None of those present at the scene heard any noise which might point to the timing of the gunshot which killed Mr Winbank. This is unsurprising, having regard to the calibre of the weapon. The timing of the gunshot can, at best, be narrowed to the period between 12:56pm when police last spoke to Mr Winbank and 7:13pm when SERT officers approached the house.

Conclusions

53. I am satisfied that no person other than Mr Winbank was involved in his death.
54. I am satisfied that the police officers and civilian call takers who responded to calls for assistance from Mr Winbank and his family, and later engaged with Mr Winbank at length, acted professionally and appropriately and adhered to QPS procedures.
55. It was apparent from Mr Winbank's initial call to 000 on the morning of his death that he had formed an intention to end his life on that day because he felt his quality of life was diminishing because of his ongoing physical ailments and the end of his relationship. Unfortunately, efforts to connect Mr Winbank with his treating psychiatrist at the time were unsuccessful.
56. I am satisfied that the actions and decisions made by the police officers who attended at the scene in the lead up to Mr Winbank's death were appropriate and timely. The attending QPS officers could not have reasonably prevented Mr Winbank's death.
57. QPS officers acted to ensure the scene was contained and neighbouring persons were safe in accordance with the relevant QPS policies. After Mr Winbank's family left the house safely, QPS officers continued efforts to negotiate with him until it became apparent he had taken his own life. As the rifle made little noise upon discharge, they were not aware that Mr Winbank had taken his life, which likely happened soon after his final communication with police negotiators.

58. I consider the investigation overseen by Detective Sergeant Gillam to have been thorough and properly conducted. I thank him for his assistance.

Findings required by s. 45

59. 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 Leslie Geoffrey Winbank.

How he died - Mr Winbank shot himself with a modified bolt action rifle while in his home during the course of a stand-off with police. This occurred after police had negotiated for family members to safely leave the residence. Earlier that day Mr Winbank had called 000 and expressed an intention to end his life.

Place of death – He died at Deception Bay in Queensland.

Date of death – He died on 30 November 2014.

Cause of death – Mr Winbank died from a self-inflicted gunshot wound to the head.

Comments and recommendations

60. Nothing arises on the facts that warrants any comment pursuant to section 46 of the Act.
61. I close the inquest.

Terry Ryan
State Coroner
Brisbane
26 August 2016