



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the deaths of Anthony William Young; David Kenneth Baring Young; Louise Alexandra Dekens**

TITLE OF COURT: Coroners Court

JURISDICTION: Maroochydore

FILE NO(s): COR 2013/2988; 3011; 3001

DELIVERED ON: 14 December 2015

DELIVERED AT: Brisbane

HEARING DATE(s): 22 September 2015; 16-17 November 2015

FINDINGS OF: Mr Terry Ryan, State Coroner

CATCHWORDS: CORONERS: Death in custody, avoiding being placed in custody, police shooting, double domestic killing.

REPRESENTATION:

Counsel Assisting: Mr Stephen Keim SC and Miss Emily Cooper

Commissioner of Police: Mr David Kent QC & Mr Michael Nicolson
(Instructed by Public Safety Business Agency)

Senior Constable Evan Condon: Mr Troy Schmidt
(Instructed by Gilshenan & Luton)

Queensland Police Union of Employees: Mr Calvin Gnech
(Queensland Police Union Legal Group)

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Introduction

1. Between August 2013 and November 2014, officers from the Queensland Police Service (QPS), acting in the course of their duties, shot and killed five men in separate incidents.
2. The incidents occurred at the Sunshine Coast (2), Brisbane (2), and the Gold Coast. In particular, three of the deaths occurred over the period of one week, from 18 November 2014 – 24 November 2014.
3. The functions of the QPS, as set out in the *Police Service Administration Act 1990*, include:
 - the preservation of peace and good order;
 - the protection of all communities in the State;
 - the prevention of crime;
 - the detection of offenders and bringing of offenders to justice; and
 - upholding of the law generally.
4. The community has high expectations of police, particularly in times of crisis. All operational police are trained in a range of ‘use of force’ options, including equipment such as firearms, to assist in the performance of their functions. However, the community expects that police will act lawfully and professionally in the exercise of their duties, and in accordance with operational policies and training.
5. The use of firearms by police, particularly when that use results in a death has the capacity to affect the trust and confidence that the community has in the police. A death in these circumstances raises many issues, including:
 - public scrutiny and suspicion of the circumstances of the death;
 - emotional trauma for the police officers involved;
 - emotional trauma for the family of the deceased person;
 - the degree to which the use of firearms by police is controlled by appropriate safeguards;
 - decision-making by police officers in critical incidents; including whether other use of force options could have been deployed.
6. The *Coroners Act 2003* recognises the need for public scrutiny and accountability where a citizen is shot by the police by requiring all deaths in custody to be investigated by the State Coroner. The Act requires that an inquest be held into such deaths.
7. These findings concern the circumstances of the deaths of three individuals in tragic circumstances. One of the deaths was the result of a police shooting, the other two as a result of stabbing inflicted by the man shot by police. Findings pursuant to s. 45 in relation to each of these cases will be made in the first phase of this inquest. In the second phase, during 2016, I will hear evidence

concerning what recommendations, if any, should be made to help prevent deaths occurring in similar circumstances in future.

8. The full list of issues considered as part of the inquest into these three deaths is attached to these findings. These findings do not consider all issues. The findings:
 - confirm the identity of the deceased persons, how they died, the place and medical cause of their deaths
 - clarify the circumstances leading up to the deaths
 - consider the appropriateness of the actions of attending police; and
 - consider the adequacy of the investigation into the deaths.

The inquest

9. Anthony Young's death was reported as a death in custody under the *Coroners Act 2003*. He died while he was trying to avoid being put into custody. In those circumstances an inquest must be held.
10. After Anthony's death, the bodies of his brother, David Young, and David's partner, Louise Dekens, were located inside the home where all three lived. They were clearly deceased. David and Louise's deaths were the subject of a separate homicide investigation which concluded that Anthony Young caused their deaths.
11. Given the connection between their deaths and Anthony's death, I considered it appropriate to extend the inquest to include David and Louise's deaths.
12. An inquest was held at Maroochydore on 16 and 17 November 2015. All of the statements, records of interview, photographs and materials gathered during the investigation were tendered at the inquest.
13. Senior Counsel Assisting, Mr Keim SC proposed that all evidence be tendered and that oral evidence be heard from the following witnesses:
 - Detective Inspector David Hickey
 - Russell Evans
 - Senior Constable Evan Condon
 - Constable Jason Jupp
14. I consider that the evidence tendered in addition to the oral evidence was sufficient for me to make the necessary findings under s. 45 of the *Coroners Act 2003*.

The evidence

Personal circumstances and history

15. At the time of his death, Anthony Young was aged 42 years. He was living at 96 Yandina-Coolum Road, Coolum with his older brother, David Young, and David's partner, Louise Dekens, and their 12 year old daughter, A. He had been residing in a self-contained flat built by David. The flat could be accessed from the garage and from within the house. He had lived there for approximately 10 months, after separating from his partner of several years.
16. David Young was self-employed as a carpenter and Louise Dekens worked casually in Coolum. Her primary focus was on caring for their daughter. David and Louise had been in a relationship since 1997. David and Louise both enjoyed good health, and were popular and valued members of their families and the local community.
17. Anthony was unemployed and in receipt of a disability pension for a neck injury he received after an altercation with security officers at a local bar in June 2010. On this occasion, two knives were located in Anthony's jeans by attending police officers. He was subsequently prosecuted for common assault, possession of a knife in a public place and failing to leave licensed premises. He was fined \$600.
18. Anthony had only two other entries recorded on his criminal history. These were for the possession and production of a dangerous drug in 2006, and wilful damage in 2009.
19. Anthony's mother had died when he was aged three, and his father remarried when he was aged five. He was one of four boys. His older sister had died as an infant in 1966. Anthony also had three step-siblings and he was the youngest of the seven children in the blended family. The family moved to the Sunshine Coast when he was aged ten.
20. One of his step-brothers, David Atkins, provided a statement that Anthony was 'like a roller coaster, up and down with his emotions'. However, he also said that he had never seen Anthony act violently towards family members.
21. Anthony's former partner, Cecile Geissler¹, had met Anthony in 2011 and Anthony moved in with her around the middle of that year. However, she asked Anthony to move out in mid-2012 after she became concerned about his behaviour when she was about seven months pregnant. He then went to live with his brother, David. Anthony and Cecile's daughter was born in December 2012. Cecile described her relationship with Anthony as amicable and she would routinely drop their daughter off at his flat so that he could spend time with her.

¹ Exhibit B4

22. Ms Geissler had received some odd text messages from Anthony in the days leading up to his death. One such message was received two nights beforehand asking 'who wants to kill me?' Ms Geissler also stated that there was more tension than normal between Anthony and Louise in the lead up to the incident. She said that Anthony had anger management issues. She recalled an incident between October 2011 and February 2012 where Anthony threatened a neighbour's dog with a machete.

Medical history

23. Anthony's step-sister, Stacey Ritchie, provided information to police suggesting that Anthony had possible mental health issues from a young age.² Her statement details her attempts to obtain professional help for Anthony. Suggestions from family members that Anthony seek professional help were inevitably met with strong resistance by him. Ms Ritchie said that she tried to take him to appointments with doctors but 'he didn't trust anyone, he wouldn't go'.
24. Ms Ritchie's statement indicated that she had tried to have Anthony admitted to hospital for treatment 'years ago' when he returned from living interstate but was told that, unless he was hurting himself or other persons, the hospital was unable to assist. She received the same advice from the local courthouse.
25. In 2010, Anthony underwent a psychiatric assessment for Centrelink purposes in order to obtain a disability pension. This was a limited assessment conducted by Dr Stephen Geoghegan.³ This appears to be the only formal mental health assessment Anthony was ever subjected to. Although he had been prescribed anti-depressant medication in 2007 and 2010 he told Dr Geoghegan he had no desire to take it.
26. Dr Geoghegan's assessment was that Anthony had a history of substance abuse and had a complex developmental post-traumatic stress disorder through an extremely prejudicial childhood. He recommended that he take anti-depressants and undergo psychotherapy. Dr Geoghegan noted in 2010 that:

His normal coping strategies of physically working out, surfing or defending himself through strength and fighting, are not currently available to him due to his neck injury and he is feeling increasingly vulnerable.

.....

Unfortunately due to Mr Young's personality structure he is likely to have very little trust in any counsel or therapist, and would readily find fault and terminate therapy.

² Exhibit B5

³ Exhibit C8

27. Quantities of diazepam were found in Anthony's belongings after his death. His toxicology results depicted a small quantity of Midazolam and a trace of tetrahydrocannabinol, a constituent of cannabis. Mr Evans, in his evidence to the inquest, confirmed that he had not seen Anthony use cannabis for some time.
28. A report was obtained from Dr Natalie MacCormick of the Clinical Forensic Medicine Unit in relation to Anthony Young's medical history.⁴ After reviewing the available medical records, Dr MacCormick concluded that it did not seem that any of the health professionals involved in Anthony's care had anticipated any homicidal risk at any stage. There was no documented evidence that he expressed any suicidal/homicidal tendencies leading up to the night of his death, and at no stage had he been diagnosed with a psychotic illness. Dr MacCormick considered that there was no obvious opportunity for intervention which may have resulted in a different outcome. I agree with that conclusion.

Events leading to the death

29. On the basis of the evidence before me, I am satisfied that Anthony Young's mental state was deteriorating rapidly in the lead up to the evening the deaths occurred. Tensions within the home he shared with David and Louise were increasing as a result of Anthony's increasingly irrational and angry behaviour, particularly towards Louise.
30. While there was no indication that David and Louise feared for their safety, they had reached the point of discussing other options for Anthony's accommodation. It is clear that while they had been prepared to tolerate Anthony's behaviour out of a sense of commitment to family, its impact on the family was causing significant distress.
31. Anthony's step-siblings all provided statements and these were tendered at the inquest. Stacey Ritchie's statement indicated that Anthony was happy living with David and Louise, and he was able to have his daughter stay with him at their home. On 19 August 2013 she received a text message from Anthony which read:

Please don't hurt me anymore, I suffer every day with electric shocks through my body, constant pain. I'm just really scared and acting like I could look after myself. I'm weak and you will kill me. I hope you don't want me dead. I followed a few people thinking they were following me. I'm not dangerous to anyone. I just act tough. Have never wanted to hurt anyone, have only ever defended myself. I've just felt like I have always been looked after by you all but when on the drugs and/or drugs, very paranoid now thinking I'm losing the plot I can't remember names numbers confused I'm losing (sic) my mind.

⁴ Exhibit B59

32. Another statement was received from David Atkins. At about 7:30pm on 21 August 2011, David Atkins flew into the Brisbane International Airport. When he turned on his phone he saw a text message from Anthony. The message asked why David Atkins had killed a person who was related to David's wife and who had died in a car accident.
33. On seeing the message David tried to call Anthony. Anthony answered but said nothing and hung up. David then rang David Young and said that Anthony had been sending some 'delusional crap'. David asked if everything was alright and David Young said that it was. He said 'it's ok, it's quiet now'. David offered for David Young, Louise and A to get in the car and drive to his home at Minyama. David Young said 'No, it's no problem, it's all good.'
34. At 8:09pm on 21 August 2013 Anthony called the Child Safety After Hours Service Centre and expressed concerns about the well-being of his daughter. He also complained about Taoism and how the Chinese were taking over Australia. At 8:25pm he called Crime Stoppers reporting a Chinese sex cult was taking over Australia. At 9:00pm he rang the National Security Hotline, but no discussion was held with an operator.
35. Communications with 000 began at 9:52pm on 21 August 2013 when Sunshine Coast Police Communications received a call from Anthony Young. He was calm but was talking about a sex cult from China attempting to take over Australia. The call ended at 9:58pm. I have reviewed the transcript of that call, which was tendered at the inquest. The call taker advised Anthony that she would arrange for police to visit him to see how he was going.
36. From 10:00pm, a series of 000 calls was received by police. Each call related to an incident at 96 Yandina-Coolum Road, Coolum. The calls were from various neighbours and made reference to screams of racial abuse, persons having been stabbed and, later, shots being fired.
37. Two first response police officers were tasked to attend the house on the basis of a Code 2 urgency. The officers were Senior Constable Evan Condon and a first year constable with eight months experience, Jason Jupp. I heard from both officers at the inquest. They each started their shifts at 10:00pm.
38. Constable Jupp gave evidence that he would arrive at the station at around 9:30pm to prepare for a shift. Constable Jupp was wearing a body worn MUVI brand camera he personally owned, and had a full complement of accoutrements including a Taser. Senior Constable Condon did not have a Taser as he was not able to access the relevant safe before leaving the station. They arrived at the Young-Dekens' house at 10:06pm.

39. The footage provided by Constable Jupp was played in court at the inquest.⁵ As the incident occurred at night, it is not easy to see the details of the events depicted. However, the footage is helpful, as it depicts the police car stopping at 10:06:04pm. The incident is complete by 10:06:13pm. Thus, the events involving Anthony Young take place within nine seconds.
40. Both officers gave evidence that when they arrived at the house, the information they had been provided was that the offender may have left the scene in a blue vehicle. They were also informed a young girl was possibly still inside the house. Upon pulling over to the curb they saw a male person. They did not know who he was at the time, but it is clear on the evidence that he was later identified as Anthony Young.
41. Senior Constable Condon said that Anthony was standing in the front driveway of 96 Yandina-Coolum Road. He was initially in a position described in the respective re-enactment interviews as 'submissive' or 'calm'. His hands were by his side and he watched the police car go past.
42. As they had been informed that the offender had left the scene, the officers understandably thought the person standing in the driveway might have been the informant. Constable Jupp, who was driving, parked the car and Senior Constable Condon opened his car door to get out of the vehicle. As he stood up, Senior Constable Condon identified himself to Anthony by saying, 'it's the police, mate'.
43. As he said this, Anthony immediately advanced towards Senior Constable Condon and raised his right hand, which held a large bladed machete. He was warned to 'just stop there', and Senior Constable Condon began to move backwards. Constable Jupp, who was moving around the back of the vehicle, unclipped his firearm and took the two safety catches off. Anthony took two more steps towards Senior Constable Condon after he 'picked up the pace'.
44. At this point in the footage from Constable Jupp's camera, the silhouette of a person can be seen across the white besser brick wall of number 98 Yandina-Coolum Drive with an arm extended and a bladed object in their hand. I am satisfied that the object was the machete in Anthony Young's hand.
45. Having regard to the re-enactment interviews of each of the officers, the footage, and having heard the oral evidence of the officers, I am satisfied that Anthony came within less than two metres of Senior Constable Condon, slashing the machete in an aggressive manner. He was told to 'drop the knife' three times by both Senior Constable Condon and Constable Jupp before the first shot was fired.

⁵ Exhibits D28.1- D28.4

46. Senior Constable Condon continued to retreat and then discharged his firearm once, and then a further four times, in a string of shots. Constable Jupp did not discharge his firearm at any stage. Constable Jupp confirmed in his evidence to the inquest the first shot did not seem to have any effect on Anthony as he kept moving with the machete and knife toward Senior Constable Condon, who had backed into a no-standing sign on the footpath. Senior Constable Condon felt Anthony Young brush against him as he fell to the footpath.
47. Constable Jupp immediately called for Queensland Ambulance Service (QAS) assistance and advised Police Communications that shots had been fired. Anthony was placed in the recovery position by Senior Constable Condon, who tried to reassure Anthony and elected not to place handcuffs on him. Anthony can be heard on the video recording repeatedly saying 'Taoism is dead'. A dog squad officer, Sergeant Craig Law, was the first police officer on the scene, subsequent to that call.
48. The QAS arrived on the scene by 10:14pm and Anthony was taken to Nambour General Hospital by ambulance. He resisted the attempts of QAS officers to help him by pulling off the oxygen mask, monitoring equipment and lines and struggling with officers en route.⁶ He died subsequently during surgery at the hospital.
49. The incident was also witnessed by Mr Dusan Milojevic, who lives opposite 96 Yandina-Coolum Road. In a walk-through interview with police,⁷ he said that he saw Anthony standing on his driveway for around five minutes after earlier hearing screams from a woman. He said that as soon as the police got out of their car he saw Anthony run at them; holding something long and shiny in his right hand. He went directly for the officer from the passenger side of the police vehicle. He heard the police yelling at him to drop it or get down. He said that the man got very close to the officer before being shot.

David Young and Louise Dekens

50. After Anthony was shot, the bodies of David Young and Louise Dekens were located in their home by Constable Jupp and Dog Squad Officer, Sergeant Craig Law. The body camera footage clearly shows the process of their bodies being located and the house being cleared.
51. QAS officers attended to both David and Louise but they were pronounced deceased at the scene. Constable Jupp confirmed in his evidence that they had no signs of life. Their deaths were the subject of a separate police investigation led by Plain Clothes Constable Brooke Stirton of the Sunshine Coast CIB.

⁶ Exhibit C29

⁷ Exhibit B34

52. The only direct evidence about what occurred inside the residence in the lead up to the deaths is from A, David and Louise's daughter. A was aged just 12 years at the time of their deaths. An interview was conducted with her in accordance with the provisions of s. 93A of the *Evidence Act 1992*. Given A's age, I did not consider that it was appropriate for her to be required to recount at the inquest what she saw that night. I considered it sufficient that I rely on the contents of her s. 93A interview.
53. In that interview, A confirms that just before she went to bed on 23 August 2013, her mother and father were at home and she thought her uncle, Anthony, was upstairs cooking in the self-contained area of the house where he was staying.
54. A was woken by the sounds of yelling and angry voices. She could not recall what was actually said when she heard the yelling. She walked out of her bedroom and saw David standing with his back to her. He was dressed in his night attire, had nothing in his hands and had blood over his back. Anthony was standing in front of David and holding what she thought was a knife in his hand. This occurred near the kitchen area. A yelled at Anthony to stop but he did not listen.
55. A saw Anthony stab David by raising what she believed to be a knife. She saw him stab her father in his front area once. She then saw her father fall forward to the ground face down.
56. A then heard Louise yelling at Anthony to stop, before seeing her start running towards the front door. However, she looked like she may have been injured because she was trying to run but was not able to move very quickly. A then saw Anthony run after Louise and from behind saw him stab Louise once in the back area. Louise kept moving in the same direction for a short distance, but then fell to the ground.
57. A then saw Anthony keep going out the front door and did not know where he went. A ran out the front door of her house and saw her neighbour, Russell Evans, standing on his trampoline. He called for her to come into his house which she did. She then saw Anthony walking out the front area of the house carrying what looked like a big pole, or something like that. She heard some yelling and then heard three or four big bangs like a gun but thought it was Anthony banging the pole against the fence or something like that.
58. Russell and Leanne Evans provided statements to police. I heard evidence from Russell Evans at the inquest. It is clear from his evidence that the Evans family had been close neighbours to David and Louise for some 10 years. Mr Evans had worked with David Young and had observed arguments between David and Anthony. However, he said these were never physical apart from one occasion when David physically restrained Anthony.
59. Mr Evans had heard arguments between Anthony and Louise Dekens over the previous three months and thought that Louise was afraid of Anthony. She would go the Evans' home after these arguments, including an occasion when

Anthony had punched holes in the wall.⁸ Mr Evans understood that it had been agreed that David and Louise would ask Anthony to leave their home.

60. Mr and Mrs Evans were home at the time of the incident and provided helpful evidence regarding what they could hear happening in the house. At about 9:30-10:00pm, Mr Evans was alerted by the sound of two thuds, which he described as sounding like something heavy hitting the timber floorboards of the Dekens/Young home. He thought David and Anthony were having a fight.
61. This caused him to head out to the adjoining fence, where he propped himself up on a trampoline to try and see what was happening. His evidence was that he could not really see anything, but then heard Louise scream out 'Oh my god' three times. This caused him to get his wife to call 000. He saw A looking out one of the windows of the house, and could see Anthony (at least from his shoulders upwards) moving around inside the house, but at the back near the bedrooms.
62. He managed to get A's attention, and told her to head to 'the tree', which was described as a mango tree along the boundary of their properties, situated about halfway along David and Louise's driveway. Mr Evans then left his property and proceeded to pick A up from that tree, thus having to enter David and Louise's driveway. He thought Anthony was still in the house at that point and recalled hearing him walking around inside. This is somewhat inconsistent with A's version, who said that when she exited the house Anthony had also exited. Given the obvious trauma associated with A's account of what happened, I accept Mr Evans' evidence in this regard.
63. Mr and Mrs Evans ultimately assisted with getting A out of the house, and bringing her to safety, at a time where Anthony was still nearby. Mr Evans gave evidence that once he was inside his home he locked the doors, and then could see Anthony at his front gate. He had his right arm raised, and was holding a knife. He was talking 'jibberish', and saying things about the Government.
64. Mr Evans recalled in his first interview with Constable Jupp that Anthony was saying things like 'killing all of Australia' and wanting to kill Russell and his family. Mr Evans thought Anthony was at his front gate for up to five minutes, long enough for Mr Evans to retrieve a metal pole to arm himself, as he thought Anthony was going to enter his property. Mr Evans then heard gun shots, but did not see the police, or the shooting occur.
65. I am satisfied that if the police had not arrived in a timely manner, it is likely that the Evans family and A would have also been harmed by Anthony.

⁸ Exhibit B16

Autopsy results

Anthony Young

66. Forensic pathologist, Professor Peter Ellis, conducted a full internal autopsy examination on 23 August 2013. Professor Ellis attended the address where the shooting took place at about 7:00am on 22 August 2013.
67. The examination confirmed the presence of four gunshot wounds, each of which had an associated exit wound. Only one of the gunshot wounds was considered to be critical and ultimately fatal. The wounds were as follows:
 - Wound 1 – entered at the end of the penis and damaged the shaft of the penis and the left testis before exiting below the left buttock.
 - Wound 2 – considered to be the critical wound – damaged the intestine, mesentery and inferior vena cava (large vein in the abdomen) before exiting in the lower back.
 - Wound 3 – perforated from the front of the left upper arm to the inside of the back of the left upper arm.
 - Wound 4 – entered the top of the left side of the back, fractured the top of the humerus and exited on the back of the left upper arm.
68. Professor Ellis noted that extensive surgery and blood transfusions had taken place before death occurred. As a result, blood samples for toxicology testing were taken from blood taken shortly after admission to the hospital. These samples showed recent cannabis use together with a drug most probably given as part of emergency medical management. No alcohol or other drugs were detected.
69. Professor Ellis determined the cause of death to be from 'gunshot wounds to body and arm'.

David Young

70. A full internal autopsy examination was conducted by forensic pathologist, Professor Peter Ellis, on 27 August 2013. Professor Ellis attended the address where the shooting took place at about 7:00am on 22 August 2013.
71. Examination confirmed the presence of a number of stab wounds, the most serious occurring in the back (wounds 8 and 11). These wounds penetrated both lungs and the left pulmonary artery causing catastrophic bleeding into both chest cavities as well as collapsed lungs. These would have been sufficient, by themselves, to cause the death. The sharpness of the point of the knife meant that only moderate force was required to inflict these injuries.
72. Other superficial wounds were noted including a small wound on the side of the neck as well as several wounds on the head. Of the head wounds, at least one was associated with significant injury to the outside of the skull and involved actual penetration. However, there was no evidence of intracranial damage.

73. Other abrasions were noted, particularly, on the left arm, which did not involve breaking of the skin. It is likely these wounds were inflicted by the machete as opposed to the knife.
74. Professor Ellis concluded that the cause of death was from stab wounds to the chest and head.

Louise Dekens

75. A full internal autopsy examination was conducted by forensic pathologist, Professor Peter Ellis, on 26 August 2013.⁹
76. Examination revealed the presence of two penetrating stab wounds in the chest one of which originated at the front and one at the back. The chest wound in the front perforated the pulmonary arterial trunk just above the heart before entering the left lung. In the lung it severed one of the main bronchi. It would have caused severe haemorrhage and fatal loss of blood as well as significant interference with normal pulmonary function.
77. The stab wound at the back also perforated the left lung and would have contributed to death by causing further blood loss and, possibly, interfering with normal pulmonary function. An incised wound on the left shoulder was most likely caused by a glancing blow of the same weapon. It damaged skin, subcutaneous tissue and superficial muscle only. Several other small superficial wounds were observed but were not of any clinical significance.
78. Professor Ellis concluded that cause of death was from stab wounds of the chest.

The investigation

79. Detective Inspector David Hickey from the QPS Ethical Standards Command (ESC) conducted an investigation into the circumstances leading to the deaths. Detective Inspector Hickey prepared a very comprehensive report in relation to Anthony Young's death¹⁰ and gave evidence at the inquest.
80. Upon being notified of the deaths, Inspector Hickey attended the scene at 1:00am and an investigation ensued. The investigation was informed by statements and recorded interviews with:
 - police officers involved;
 - attending QAS staff;
 - neighbours of the residence; and
 - next of kin.

⁹ Exhibit A2.2.

¹⁰Exhibit A5

81. Forensic analysis was conducted and photographs were taken. All of the police investigation material was tendered at the inquest. I am satisfied that each of these deaths has been thoroughly and professionally investigated.
82. With respect to the use of lethal force, Detective Inspector Hickey's report noted that police are taught not to use firearms against another person except in self-defence or in the defence of others against the imminent threat of death or serious injury; to prevent the commission of a particularly serious crime involving grave threat to life; to arrest a person presenting such a danger and resisting their authority; or to prevent the person's escape, and only when less extreme means are insufficient to achieve these objectives.¹¹
83. Detective Inspector Hickey's report stated that QPS policy was that firearms should only be used by police where there is a need to preserve life (whether that is the officer's life, the life of the officer's partner or that of any other person – such as a hostage or innocent bystander), from an imminent threat and there is no other way to stop the threat. He stated:
- Due to the nature and immediacy of such an imminently lethal threat, it is essential that the police response is also immediate to completely incapacitate the threat. Immediate and complete incapacitation means causing sufficiently serious injury to the subject person.¹²*
84. Senior Sergeant Damien Hayden, Officer in Charge of the Operational Skills Training Unit, Queensland Police Service Education and Training Command, provided a statement to the inquest. Senior Sergeant Hayden reviewed the use of force by Senior Constable Condon in the context of QPS policies and procedures in place at the time of Anthony Young's death.
85. Senior Sergeant Hayden concluded that the actions of Senior Constable Condon in deploying lethal force were fully justified. His actions were in response to an honestly perceived imminent and legitimate threat to his life from an armed person in possession of a machete and a knife who was in the overt act of committing a serious indictable offence against Senior Constable Condon.
86. After considering all the evidence, I consider that if Anthony Young had not been shot by Senior Constable Condon he would have proceeded to attack him

11 Drawing on the authority in s. 616 of the *Police Powers and Responsibilities Act 2000* - Power to use force against individuals in critical situations

12 QPS officers are taught to aim for the 'armpit hold' as the most appropriate target area when electing to use lethal force. The armpit hold is at the centre of an imaginary transverse cross-sectional line between the two armpits of the human body (roughly centred on the heart/aorta and lungs).

with the machete and knife in his possession at the time. I agree with Senior Sergeant Hayden's conclusions.

87. Broader issues in relation to the use of lethal force by QPS officers will be considered in the second phase of this inquest.
88. The ESC investigation concluded that Senior Constable Condon's actions were lawful, authorised and justified. It also found there was no misconduct displayed by any of the officers involved and further concluded that no disciplinary proceedings were warranted. I agree with these conclusions.
89. Detective Inspector Hickey said in his evidence that the only thing the officers might have done differently was not to immediately approach 96 Yandina-Coolum Road, but instead to wait for back up to arrive. However, when asked if this might have ultimately changed the outcome, he did not think it would have. Considering the events that had taken place prior to the arrival of police, I agree with that conclusion.
90. Detective Inspector Hickey recommended that body worn cameras be implemented service-wide. As well as capturing some aspects of the shooting, the footage in this case very helpfully depicted Officers Jupp and Condon being separated after the shooting (and showed that they were aware of the need for this to occur), and demonstrated that the directives of Detective Inspector Hickey were carried out in terms of seizure of weapons, having the Officers relieved of duty, and being told that ESC was on the way to commence interviews.
91. I note that by Commissioner's Instruction 1/2015, effective from 16 October 2015, the QPS has commenced the State wide roll-out of QPS issued body worn cameras. A storage facility for audio and video recordings made by officers has been approved. The roll-out is starting within the Gold Coast District and the Road Policing Command. Officers with privately owned body worn cameras in all parts of the State have also been directed to comply with Instruction 1/2015.
92. The police investigation into the deaths of David and Louise, run by Plain Clothes Constable Brooke Stirton, appropriately concluded that Anthony Young was responsible for their deaths and that his mental state played a role. The investigation concluded that David was killed first in the kitchen area. Louise was then killed while attempting to flee. I also accept these conclusions.

Findings required by s. 45

93. 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 or she came by their death. As a result of considering all the material contained in the exhibits, I am able to make the following findings:

Anthony Young

Identity of the deceased Anthony William Young.

How he died - Mr Young died from multiple gunshot wounds to his body and arm. His death occurred after he had killed his brother, David Young, and his brother's partner, Louise Dekens with whom he had been living. He was subsequently shot by a police officer acting in the course of his duty who reasonably believed he would be killed by Mr Young.

Place of death – He died at the Nambour General Hospital at Nambour in the State of Queensland.

Date of death – He died on 22 August 2013.

Cause of death – Mr Young died from multiple gunshot wounds to the body and arm.

David Young

Identity of the deceased David Kenneth Baring Young.

How he died - Mr Young died from multiple stab wounds inflicted on his chest, back and head. His brother, Anthony Young, who had been living with David and his partner Louise Dekens, experienced a marked deterioration in his mental health prior to the death and subsequently stabbed David multiple times with a knife.

Place of death – He died at Coolum in the State of Queensland.

Date of death – He died on 21 August 2013.

Cause of death – Mr Young died from a multiple stab wounds to the chest and head.

Louise Dekens

Identity of the deceased Louise Alexandra Dekens.

How he died - Ms Dekens died from two stab wounds to the chest, one penetrated through the front and one through the back. Anthony Young, who had been living with Louise and her partner, David Young, experienced a marked deterioration in his mental health prior to the death and subsequently stabbed Ms Dekens twice with a knife.

Place of death – She died at Coolum in the State of Queensland.

Date of death – She died on 21 August 2013.

Cause of death – Ms Dekens died from stab wounds to the chest.

Comments and recommendations

94. I close the inquest into these three deaths with respect to the findings required by s. 45 of the *Coroners Act 2003*. I extend my condolences to the Young and Dekens families.

95. Any comments and recommendations under s. 46 of the Act will be considered in the second phase of the inquest.

Terry Ryan
State Coroner
Brisbane
14 December 2015

**Inquest into the Deaths of
Anthony Young, David Young & Louise Dekens**

List of Issues

1. The findings required by s. 45 (2) of the *Coroners Act 2003*; namely the identities of each of the deceased, when, where and how they died and what caused their deaths;
2. The appropriateness of the current QPS use of force model and the options of force available to police officers;
3. The adequacy of Queensland Police Service:
 - (i) policies in relation to the use of firearms; and
 - (ii) training provided to operational police officers in the use of firearms.
4. The appropriateness of actions by the attending police officers on the facts of the particular case;
5. The adequacy of the investigation into the death conducted by the Ethical Standards Command Internal Investigations Group, particularly, the separation of the first response police officers, post-incident, and the timing of their interviews with ESC officers;
6. The adequacy of the availability of information/records from Queensland Health and other medical practitioners, regarding mental health history to the QPS;
7. The current position regarding ownership of body worn cameras used by QPS officers and the storage of data; and
8. Lessons learned from these incidents as to the benefits of body worn cameras being used by the police officers in terms of:
 - preserving evidence;
 - providing a reliable record of what occurred;
 - avoiding unnecessary controversy about what happened; and
 - vindicating police officers who have acted in accord with their training and policy.