



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Neville Royston
READING**

TITLE OF COURT: Coroners Court

JURISDICTION: Cairns

FILE NO(s): 2013/3940

DELIVERED ON: 9 June 2015

DELIVERED AT: Brisbane

HEARING DATE(s): 9 March and 13-17 April 2015

FINDINGS OF: Terry Ryan, State Coroner

CATCHWORDS: Coroners: inquest, death in police operations,
restraint asphyxia, police first aid response.

REPRESENTATION:

Counsel Assisting: Ms Stephanie Williams

Reading Family: Mr Selwyn Hausman (pro bono)

Commissioner of Police: Ms Belinda Wadley, Public Safety Business
Agency

Constables Daniell and Taylor: Mr Glen Cranny, Gilshenan and Luton Legal
Practice

Jacob Butler: Mr Joshua Trevino
(instructed by Legal Aid Queensland)

Hayden Simpson: Mr H A Mellick, Mellick Smith & Associates

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Introduction

On Friday, 1 November 2013 Neville Reading and his partner, Karleen Nathan, were at their home at 27 Charnley Avenue, Bentley Park. They were celebrating the birthday of a friend, Natasha Raymond. Also present was Natasha's sister, Tamara Raymond and a number of young children.

From approximately 8:00pm the four adults sat on the back veranda of the home drinking alcohol. While Ms Nathan and Natasha Raymond went to sleep during the course of the evening, Mr Reading and Tamara Raymond continued to drink. Mr Reading did not sleep and his alcohol consumption continued until at least 6:00pm on 2 November 2013.

An argument between Mr Reading and Natasha Raymond commenced shortly after 6:00pm on 2 November 2013. Neighbours heard Mr Reading yelling and swearing loudly. All the adults present in the home became involved in the argument, which ultimately became violent and spilled onto the footpath in front of the home.

Neighbours were alerted to screams from the women and children at 27 Charnley Avenue and five calls were made to 000 for police assistance. The first call to 000 was made at 6:46pm.

Neighbour Bradley Gisler went to investigate, and came across Mr Reading engaged in a physical confrontation with Natasha Raymond on the driveway. He told Mr Reading to calm down and grabbed him from behind. An altercation ensued between Mr Gisler and Mr Reading. Punches were thrown by both men.

Mr Reading was taken to ground on the road by Mr Gisler and several youths and held face down on his stomach for 5-10 minutes. Zip or cable ties were produced by another neighbour, who secured Mr Reading's wrists and ankles while he continued to be restrained face down.

Police officers arrived at the scene shortly after 7:00pm and immediately handcuffed Mr Reading. He was assessed as having a pulse at that time. Police officers placed Mr Reading in the recovery position. Soon after he was assessed as not having a pulse. Resuscitation efforts commenced during a torrential downpour and he was transferred to the Cairns Base Hospital. He did not regain consciousness and was declared deceased at 7:58pm on 2 November 2013.

These findings:-

- Confirm the identity of the deceased person, the time, place and medical cause of his death;
- Consider the adequacy of the investigation undertaken by police into the circumstances surrounding the death;
- Consider the adequacy and currency of first aid training of Queensland Police Service Officers; and
- Consider whether the first two police officers to have contact with Mr Reading on the night of 2 November 2013 acted in accordance with relevant QPS policies and procedures, specifically those relating to:

- use of force; and
- use of handcuffs.

The investigation

Mr Reading's death was reported as a death in police operations under section 8(3)(h) of the *Coroners Act 2003*. Police officers were in attendance and had handcuffed Mr Reading on arrival at the scene.

An investigation was conducted by the QPS Ethical Standards Command (ESC) and a very detailed report was prepared by Acting Inspector David Cousins, who is based in Brisbane.

Inspector Cousins also led the criminal investigation in relation to the actions of those who were involved in the restraint. After considering the events leading up to the restraint, including the evidence that Mr Reading had hit several women, the possible charges and the defences available to those involved in the restraint, Inspector Cousins recommended that criminal proceedings not be commenced.

The majority of statements and interviews were taken by police in the hours following Mr Reading's death. Much effort was made on the night of 2 November 2013 to obtain particulars of the circumstances surrounding Mr Reading's death.

Further statements were taken on 3 November 2013. I observed a walk through being conducted with police officers when I attended the scene on 3 November 2013. Officers from the Crime and Corruption Commission were also in attendance at Charnley Avenue to oversee the QPS investigation.

The investigation was undertaken in the context of a series of dynamic events occurring predominantly in a time frame of 5-10 minutes. There were numerous people involved, including some who had consumed alcohol (to varying degrees). Several teenagers, the youngest being 14 years of age at the time, were involved in the restraint. Further complicating the gathering of forensic evidence from the scene was the downpour of rain which occurred shortly after paramedics arrived.

A post mortem examination was conducted on Mr Reading's body by Dr Paul Botterill at the Cairns Base Hospital on 4 November 2013. Blood and urine samples taken on admission at the Cairns Base Hospital were obtained and subject to further toxicological testing. An independent pathologist, Dr Byron Collins, was also engaged by Mr Reading's family to review Dr Botterill's findings.

I am satisfied this matter has been thoroughly and professionally investigated and all sources of relevant information have been accessed and analysed.

The inquest

A pre-inquest conference was held in Brisbane on 9 March 2015. Ms Williams was appointed counsel assisting and leave to appear was granted to Mr

Reading's family, the Commissioner of the QPS, the police officers who were first attended the scene (Constables Daniell and Taylor), and Mr Jacob Butler.

The inquest was held over five days in Cairns from 13 to 17 April 2015. Twenty-four witnesses gave evidence and 126 exhibits were tendered. I am satisfied that all information relevant to and necessary for my findings was made available at the inquest.

The evidence

A large amount of information was contained in the exhibits and oral evidence. These findings record only the evidence I believe is necessary to understand the findings I have made.

Health and Social History

Mr Reading was 37 years of age at the time of his death. He had no significant medical history. He was a tall and powerfully built man and was considered to generally have a happy disposition. He was 1.82m tall, weighed 103.8kg and had a body mass index of 31.

Mr Reading lived with his spouse, Karleen Nathan, and their three young children (aged 10, 6 and 3 years) at 27 Charnley Avenue, Bentley Park. Bentley Park is a modern residential area in Cairns. The family home was elevated from the street and had a steep sloping driveway connected to footpath and then the road.

Mr Reading was a qualified electrician and was working at the time of his death on a fly in and fly out basis from Cairns, engaged in the construction of coal export facilities at Gladstone. This saw him spending one week at home and three weeks on site each month.

Karleen Nathan's evidence was that she had been in a relationship with Mr Reading for 11 years. They had lived at Charnley Avenue for 3 ½ months but had little interaction with their neighbours. Ms Nathan said that she had a very good relationship with Mr Reading and she considered that their family was strong. The "fly in, fly out" working arrangements were challenging and the family missed Mr Reading when he was working away from home in Gladstone.

Mr Reading was proud of his family and his Aboriginal culture. Although he was born in Mount Isa he had strong family connections with Mornington Island, where he had previously lived for a number of years.

Mr Reading came from a family of high achievers. I accept that he did not drink on a regular basis and generally abstained from alcohol at the time of his death. His partner's evidence was that he was very aware of the negative impact of alcohol on his behaviour.

Many of Mr Reading's family members attended the inquest and it must have been very distressing for them to listen to the evidence about the circumstances of his death.

It was clear from the evidence that his sudden death was a very sad event in the lives of his partner, children, family and friends. I offer them my sincere condolences.

Excessive Alcohol Consumption Leads to Violence

Mr Reading arrived home from Gladstone on 29 October 2013. The Raymond sisters were also visiting from Mount Isa during this week and were staying with the Reading family in order to attend a funeral.

Ms Nathan's evidence was that 1 November 2013 was Natasha Raymond's birthday. Although not biologically related, she regarded the Raymond sisters as members of her own family. They planned a birthday celebration and purchased several bottles of rum and scotch for this purpose. Drinking commenced after dinner at approximately 8:00pm on 1 November 2013 and continued into the night. Mr Reading joined the party. Ms Nathan's evidence was that he chose to drink of his own accord.

Ms Nathan eventually became ill from drinking too much and went to bed. She woke up at 9:00am on 2 November 2013 and found that Mr Reading and Tamara Raymond were still drinking on the back veranda.

Natasha Raymond's evidence was that she stopped drinking at approximately 4:00am on 2 November 2013. Her sister Tamara and Mr Reading were drinking at that time and were still drinking at 9:30am when she woke up.

Tamara Raymond's evidence was that Mr Reading drank a 750 mL bottle of Bacardi rum during the course of the night. He then started on a 750 mL bottle of Bundaberg rum early in the morning.

Natasha Raymond left the home at around 10:00am to purchase more alcohol. She bought two bottles of rum and scotch and drinking resumed that morning. When Mr Reading was asked whether he wanted more alcohol his response was "whatever you are having".

Ms Nathan said that she sensed that Mr Reading was becoming increasingly agitated during the course of the day on 2 November 2013. She fell asleep on a mattress in the lounge room for most of the day and had hoped that Mr Reading would also rest, but he did not.

At approximately 4:00pm Ms Nathan joined Mr Reading and several other visitors who had arrived during the afternoon. Mr Reading was said to be enjoying the company of his friends as they rarely had visitors. After the visitors left Mr Reading was alone on the veranda with his son and Natasha Raymond.

Shortly after 6:00pm an argument commenced between Mr Reading and Natasha Raymond. Mr Reading insisted that Natasha Raymond leave the house. Mr Reading yelled for approximately 30 minutes and was pacing from the front of the house to the back veranda, constantly swearing and demanding that Natasha leave.

Tamara Raymond slept for most of the day on 2 November 2013. When she woke up she thought that Mr Reading seemed “good” although he was tired and drunk. At around 6:00pm she saw Natasha standing at the back door asking Mr Reading if he wanted “us to stay at the house or if he wanted us to go”. After this Mr Reading started swearing. Natasha Raymond said that she had never heard Mr Reading speak like this and she was concerned.

Ms Nathan was taking steps to leave with the Raymond sisters. Her experience with similar events in the past was that Mr Reading would “sleep it off” and they would happily resume their relationship the following day.

Natasha Raymond’s evidence was that after the argument commenced Mr Reading was repeatedly yelling “fuck off” and he was “out of control”. She commenced packing her belongings as she was concerned for her 7-year-old daughter who was with her at the time.

Ms Nathan, while inside the toy room in the house, heard the front screen door slam. She saw Mr Reading who told her not to hit the kids. Ms Nathan replied that she and the others were not hitting the children but wanted to get their things and leave the house.

Tamara Raymond saw Ms Nathan standing at the front door watching for Mr Reading when she saw him come through the front door and lunge at her. She saw Mr Reading grab Ms Nathan and punch her once in the face. He grasped Ms Nathan by the hair, pulling her towards the ground.

Natasha Raymond tried to assist Ms Nathan by placing herself between Mr Reading and Ms Nathan. Mr Reading was attempting to grab Ms Nathan and the Raymond sisters were pushing him away. Mr Reading, with his free hand, punched Natasha Raymond in the head and chest and grabbed her hair. Ms Nathan and Natasha and Tamara Raymond were yelling at Mr Reading to stop.

Mr Reading began to drag both women by the hair towards the front door. Ms Nathan and Natasha Raymond broke free and pushed Mr Reading out of the front door.

As a result, Mr Reading accidentally tripped over his three year old daughter. Both Mr Reading and his daughter fell to the ground in the front yard. Ms Nathan retrieved her daughter and put her inside the house.

Ms Nathan’s evidence was that Mr Reading then returned to his feet, at which time he grabbed Natasha Raymond, either by the hair or shoulder, and propelled her down the driveway. Ms Raymond landed heavily on her back on the concrete.

Natasha Raymond’s evidence was that after Mr Reading had regained his feet he punched her in the face and grabbed Ms Nathan and her by the hair. He then swung her down the driveway by her hair.

Ms Nathan called out for the neighbours to call the Police. She also yelled for their help.

Altercation with Neighbours and Restraint

Ms Nathan saw a man approach Mr Reading from his left hand side and ask him what was going on. She said that Mr Reading tried to hit the man who was trying to hold him. She heard the man say “he bit me” and “calm down”. Ms Nathan then saw three other young men approach Mr Reading and attempt to calm him down.

Ms Nathan said her primary concern was for her three children, who she had moved into the house. When she returned she saw that Mr Reading was being restrained on the ground by a group of men. She said that someone was “on top of him” on his upper back and another male was sitting on him lower down his back.

Another male was standing over Mr Reading holding his hands behind his back, and another was holding his feet. Ms Nathan thought that the restraint continued for 5-10 minutes before the Queensland Police Service arrived.

Ms Nathan said that she observed a police officer place handcuffs on Mr Reading and then proceed to speak to those involved in the restraint. Another officer checked Mr Reading’s pulse and was standing over him.

A second police car arrived 4 or 5 minutes later. Ms Nathan observed that that police officers then started running around, enlisting the assistance of the Queensland Ambulance Service officers who had arrived at approximately the same time.

Natasha Raymond’s evidence was that after she was pushed down the driveway she got up after landing on the concrete. By then Mr Reading was at the bottom of the driveway. Natasha Raymond did not see how or why Mr Reading came to be at the bottom of the driveway. Mr Reading and Natasha Raymond then began to push and shove each other – Ms Raymond was angry at having been thrown and described herself as “starting to go off at Mr Reading”.

Mr Reading was walking backwards away from Natasha Raymond when she saw a group of men wrestle with him and take him to the ground. She did not see any punches thrown or how he was taken to ground. She saw a male sitting on top of Mr Reading and saw him struggling with the men but could not really see him because he had a shirt over his head. Natasha Raymond agreed that she did not witness all of the struggle but saw one of the men on Mr Reading’s back.

Natasha Raymond’s evidence was that during the course of the struggle one of the men yelled “hurry up and call the police”. She did so at 6:58pm and then collapsed onto the footpath. She sat at the back of her car and tried to get her breath back.

Tamara Raymond did not witness much of the altercation between Mr Reading and the men. She said that at the time he was initially restrained he was moving to go back up the driveway towards Ms Nathan and one of the men said “stop it – don’t go back”. She said that she observed that Mr Reading continued to struggle and that she could see him in breathing and trying to get his breath back.

Evidence of neighbours

Donna Gisler was visiting her husband’s parents at 29 Charnley Avenue on 2 November 2013. Her evidence was that she heard a lot of loud yelling and swearing from a male at 27 Charnley Avenue. After she heard a female yelling as well she went to the fence and saw a child being taken into the house screaming.

As there were children involved, Donna Gisler asked her husband, Bradley Gisler, to go and see what was happening. She then walked onto the street and saw her husband and some young men restraining Mr Reading on the ground. Mrs Gisler said that she saw that Mr Reading was face down and that he was constantly trying to get up while her husband told him to calm down. At the inquest Mrs Gisler had a very limited capacity to recollect details of the restraint.

Mrs Giuseppa Gisler lives at 29 Charnley Avenue. Her evidence was that she heard yelling from a male next door which escalated. She then heard a woman screaming and children crying. After her son, Bradley, went to investigate Mrs Gisler called 000 (her call was recorded at 6:54pm) and reported the domestic dispute occurring next door.

Mrs Giuseppa Gisler then went to the front of her property where she could see Mr Reading being restrained by her son and 3 or 4 other males. She informed Bradley that the QPS was coming. She recalled seeing her son holding Mr Reading down with his hands. The other boys were holding Mr Reading’s arms and legs. Mrs Gisler did not recall that they were sitting on top of him. Mr Reading had a shirt over the back of his head and his face to the ground. His breathing was not laboured.

Mrs Giuseppa Gisler asked Bradley whether they should sit Mr Reading upright but Bradley said “no, he’s still got a bit of flight in him so we are just gonna hold him down”. She recalled that the police arrived within 5 minutes of this conversation.

Mr Russell Gisler also gave evidence at the inquest. He is married to Giuseppa Gisler. Mr Gisler also heard a male voice from next door yelling and swearing. After 4 or 5 minutes he also heard a female screaming words to the effect of “lock the doors” and a number of children crying.

Mr Gisler followed his son, Bradley, to investigate what was happening. He could hear his son saying “calm down, calm down” before he came into view. When he went around the corner he saw Bradley and 4 other males who he did not know holding Mr Reading on the road. He saw Bradley to one side holding

an arm. Two males were on Mr Reading's legs and another was on his other arm. Mr Reading had a shirt over his head and was face down.

Russell Gisler did not recall any one sitting or kneeling on top of Mr Reading, who was struggling trying to get up. He recalled seeing cable ties on Mr Reading but was not sure who had placed them on him. He then saw Mr Reading stop resisting and heard loud snoring. He saw the QPS arrive 3-5 minutes later. He saw a police officer take a pulse on Mr Reading's wrist, place handcuffs on him and then cut the cable ties.

Jason Houseman also lives on Charnley Avenue. On the afternoon of 2 November 2013 he was at the front of his residence and saw Mr Reading sitting on the ground near his letter box and a woman sitting further up the driveway. When Mr Houseman heard Mr Reading yelling abuse at the woman he told him to "shut the fuck up".

Mr Housman went back into his house when the son of his neighbour, Greg Souter, came and told him that Mr Souter needed his assistance, "there's a fight". Mr Housman's evidence was that when he went to the front of his property he saw Mr Reading face first on the ground with cable ties on his hands and legs. He saw several males holding Mr Reading down, kneeling beside him with just a hand on him. He did not see anyone struggling with him "as he was just lying there".

Mr Houseman's evidence was that he tapped Mr Reading on the face several times to get his attention. At the inquest he said he was concerned that Mr Reading had been knocked out. He denied making any other contact with Mr Reading. He then heard Mr Reading make a snoring sound but continuing to breathe. Within one minute the QPS arrived and he told police officers to check Mr Reading's pulse.

Nathan Johnson was visiting his cousin at Charnley Avenue. He took a telephone call while standing in the driveway directly across from Mr Reading's property. He saw that Mr Reading was sitting in the front yard yelling and a woman inside the property yelling back at him. As he went back inside his cousin's house he saw Mr Reading staggering back inside the house across the road. He then heard the female voice screaming.

Mr Johnson thought that the woman who was screaming needed help. When Mr Johnson went onto the road he saw 5 or 6 males grabbing Mr Reading and standing on the driveway at 27 Charnley Avenue. He then saw the males pulling Mr Reading away from the driveway and take him to the ground, where they held him until the QPS arrived. Mr Reading was trying to break out of the situation but Mr Johnson was not sure how. He continued to see movement and breathing and could hear Mr Reading swearing.

Mr Johnson's evidence at the inquest was that Mr Reading's arms were being held behind his back and the males were sitting on his legs and "possibly somewhere else". Just prior to the arrival of police he saw that cable ties were

applied to Mr Reading. The cable ties were obtained by Mr Souter but he was not sure if they were applied by him.

After the police arrived Mr Johnson saw that the cable ties were removed by them and Mr Reading was handcuffed but he was not sure of the sequence in which this occurred. Mr Johnson estimated that from the time he came outside until the police arrived was only about 5 minutes.

Mr Johnson observed the police officers who first arrived place Mr Reading in the recovery position and heard them talking to each other about struggling to find a pulse. He overheard a police officer on his radio asking for an ambulance as soon as possible. Within a minute or two another police car arrived with two officers followed by two ambulances. He heard a police officer in the second car instruct that the handcuffs be removed and then saw CPR commence.

Tara Murphy was visiting a friend on Charnley Avenue on 2 November 2013. At around 6:45pm she heard a lot of yelling and screaming so walked to the garage at the front of the property to see what was happening. She saw a female being pushed to the ground in the driveway at 27 Charnley Avenue. She then saw two men try to restrain Mr Reading, who continued to approach the woman who had been pushed to the ground. Ms Murphy called the police at 6:52pm.

After returning to the garage Ms Murphy saw that Mr Reading had been restrained by five males. This continued for 5-10 minutes prior to the arrival of police. Ms Murphy observed that Mr Reading was trying to squirm and get up but then appeared to "give up". She did not recall Mr Reading saying anything or making any noises. She saw the police handcuff Mr Reading and remove the cable ties. They then placed on Mr Reading on his side. The QAS arrived 3-4 minutes later and commenced CPR.

Matt Hoschke was visiting his friend, Hayden Simpson, at Charnley Avenue on 2 November 2013. He was standing with Mr Simpson on the driveway of Mr Simpson's house with friends, Jacob Butler, Leslie Scorey and a 14-year-old male, when he heard yelling and screaming.

Mr Hoschke then drove in his car along the length of Charnley Avenue with Jacob Butler and Leslie Scorey. He observed Mr Reading standing in the porch area with a female next to him, approximately 10m away from his car. He then saw that the woman was down at the bottom of the driveway lying on the ground.

Mr Hoschke then saw Bradley Gisler walk towards Mr Reading and wrap his arms around him. He then saw Mr Reading bite Mr Gisler on the shoulder. Mr Gisler responded by punching Mr Reading in the head. Jacob Butler then assisted Mr Gisler in restraining Mr Reading on the ground.

Mr Hoschke drove his vehicle back up Charnley Avenue and returned with Mr Simpson. He saw that Mr Reading was being restrained on the ground but was still fighting. Mr Reading was making noises but not speaking.

At the inquest Mr Hoschke had a limited recollection of the relative positions of those involved in the restraint. In his statement to police Mr Hoschke identified that the 14 -year-old male was laying across Mr Reading's legs. Mr Hoschke recalled that Mr Reading kept struggling throughout the restraint and he could hear him making snoring noises prior to the application of the cable ties. He acknowledged that he only saw parts of the incident.

He saw Mr Souter retrieve cable ties from his truck and place these around and Mr Reading's ankles and wrists.

The parties to the restraint

Section 39 of the *Coroners Act 2003* gives a coroner the power to require a witness to give evidence that would tend to incriminate the witness where the coroner is satisfied that it is in the public interest for the witness to do so. That evidence cannot be used against the witness in subsequent proceedings.

In this inquest each of the persons engaged directly in the restraint of Mr Reading was required to give evidence, apart from Bradley Gisler and Greg Souter, who did not object to giving evidence.

Bradley Gisler

Bradley Gisler was visiting his parents on 2 November 2013. Mr Gisler was 32 years of age at the time of Mr Reading's death. He had previously been employed in the Royal Australian Air Force for 11 years and obtained a senior first aid qualification in that capacity. Mr Gisler holds an associate degree in electrical engineering.

Mr Gisler's evidence at the inquest was that he heard yelling and screaming coming from 27 Charnley Avenue which increased in intensity over time. He overheard several women at the address say "we have locked him out" and could hear the women and children screaming.

After his wife said to him that they could not let the children get hurt, Mr Gisler ran around to the front of 27 Charnley Avenue and saw a male and female standing on the driveway arguing. Mr Gisler was aware that his mother was calling the police as he left his parents' home. Her call was made at 6:54pm.

Mr Gisler's evidence was that after he said "calm down" he saw Mr Reading grab the woman and pull her down onto the driveway. Mr Gisler heard the woman's head hit the driveway and observed Mr Reading standing over her.

Mr Gisler was concerned that Mr Reading would continue to assault the woman, (possibly by kicking her), so he ran over and gave him a "bear hug". He then then dragged Mr Reading across the road. Mr Reading then turned around and bit Mr Gisler on the shoulder. Mr Gisler's evidence was that he responded to the bite by punching Mr Reading on the jaw, and Mr Reading returned a blow to Mr Gisler's ear.

Mr Gisler asked the young men who were present for assistance and one of the young men grabbed Mr Reading from behind. The young man attempted to lock Mr Reading's arms behind his back but was lifted off the ground by Mr Reading. Mr Gisler then pulled Mr Reading to the ground and Mr Reading remained in the same position until the police arrived.

Mr Gisler recalled that Mr Reading wanted to continue fighting during the restraint and was angry and swearing at him. After the cable ties were applied the intensity with which Mr Reading was resisting reduced and Mr Reading fell asleep and started to snore continuously. Mr Gisler's evidence was that Mr Reading did not stop breathing at any stage during the restraint.

Mr Gisler stated at the inquest that he was trying to keep Mr Reading down and had his right knee placed on his shoulder blades. His evidence was that he was kneeling beside Mr Reading with one knee on the ground and he only applied sufficient pressure with his other knee to hold him down.

The QPS arrived within 1-2 minutes of the cable ties being applied. Mr Gisler said that he tried to keep Mr Reading awake and was tapping him on the cheek to do so. He was aware from his first aid training that it was important to keep a person who had potentially suffered concussion awake. He said that Mr Reading continued to argue and yell for the duration of the restraint and at no stage was he concerned that he had stopped breathing. Mr Reading was still snoring when the first police officers arrived and placed the handcuffs on him. Mr Gisler's evidence was that the total duration of the struggle was 2-3 minutes.

Jacob Butler

Jacob Butler was 16 years of age in November 2013 and was also at Hayden Simpson's home on the night of Mr Reading's death. He accompanied Mr Hoschke in his car and saw Mr Reading in dispute with several women. Two young children were nearby. He was sitting in the car in the middle of the road at this time. Mr Butler's perception was that Mr Reading had jumped on to one of the children, who then got up and ran inside the house.

Mr Butler then saw Mr Reading throw a woman to the ground. Mr Butler said that he had alighted from the vehicle and called to Mr Simpson for assistance. Mr Butler attempted to take hold of Mr Reading's left arm but Mr Reading got out of his grip.

Mr Butler recalled that Mr Reading was taken to the ground by Mr Gisler and that once he was on the ground "we hopped on top of him". Mr Butler recalled that Mr Reading was trying to get out of the restraint, pushing up against the group and he continued to struggle until the cable ties were applied, when he "just laid there". He continued to hold Mr Reading after the cable ties went on. Mr Butler said he heard Mr Reading continue to breathe heavily until the QPS arrived. Mr Butler also recalled that a male who was not involved in the restraint kicked Mr Reading in the head and slapped him on the face.

Hayden Simpson

Hayden Simpson was 18 years of age at the time of Mr Reading's death. Mr Simpson went to 27 Charnley Avenue from his home after he was called to the scene by Mr Hoschke. Mr Simpson's mother then rang 000 at 6:54pm.

He observed Mr Reading having an argument with a female and then throwing the female down onto the driveway. Mr Simpson's evidence was that he grabbed Mr Reading from behind and interlocked his arms with Mr Reading's. However, Mr Reading lifted him off the ground.

He saw Mr Gisler punch Mr Reading in the face after he was bitten. Mr Reading stumbled and then Mr Gisler, Mr Simpson and the 14 year old male tackled him to the ground. Mr Simpson's evidence was that Mr Reading's upper body was restrained by Mr Gisler's knee, while others held his hands behind his back and lay over his legs. He said that he used his knee and arms to restrain Mr Reading's arms. He said that Mr Reading continued to try to get away from those who were restraining him until he went quiet and started to sleep, soon after the cable ties were applied. The police arrived shortly after this.

Leslie Scorey

Leslie Scorey was 17 years of age at the time of Mr Reading's death. He was visiting his friend Hayden Simpson's home when he responded to a call from Jacob Butler for assistance. At the inquest, Mr Scorey had significant difficulties remembering the events of 2 November 2013. Apart from Mr Gisler he recalled that he, Jacob Butler, Matthew Hoschke, Hayden Simpson and a 14 year old male were all involved in holding Mr Reading on the ground.

Mr Scorey's evidence was that Mr Reading was coming in and out of consciousness and Mr Gisler kept telling him to wake up. Mr Scorey was holding his legs down by kneeling down behind Mr Reading and holding his legs by the calf area. He said that he had completed first aid training and that he was not concerned that Mr Reading had lost consciousness during the time he was restrained.

During the restraint he observed the woman who had been pushed to the ground by Mr Reading "pass out" on the footpath. He went to check on the woman and asked the 14 year old male take over in holding Mr Reading's legs.

14 year-old male

The male who was 14 years of age at the time of Mr Reading's death also gave evidence at the inquest. His evidence was that he ran down Charnley Avenue together with Hayden Simpson and Leslie Scorey to help Mr Hoschke and Mr Butler. Contrary to the other evidence given at the inquest, the 14-year-old male's evidence was that Mr Reading was facing upwards for the duration of the restraint. He also recalled that Mr Reading had been kicked by a male who was not involved in the restraint but was not sure who this was.

Greg Souter

Greg Souter is a truck driver who lived on Charnley Avenue at the time of Mr Reading's death. He heard a commotion outside his property and saw there

were 3-4 males on top of Mr Reading, wrestling on the roadway. Mr Souter's evidence was that Mr Reading came very close to freeing himself from the group.

Mr Souter had not witnessed the previous altercation between Mr Reading and the women but was told that Mr Reading had hit his partner and was being held until the police arrived. When one of the group asked whether there was anything to restrain Mr Reading with, Mr Souter produced cable ties from his truck and put them on Mr Reading's wrists and ankles. He estimated that he did this 10 minutes after the restraint commenced and that the police officers arrived 2-3 minutes later. Mr Souter did not hear any gasping or snorting noises throughout the restraint.

Queensland Police Service Intervention

Senior Constable James Hall was attached to the Far North District Tactical Crime Squad on 2 November 2013. At about 6:50pm he became aware via police radio that both Edmonton units had been detailed to attend Charnley Avenue, Bentley Park, where a disturbance was taking place involving an intoxicated male and several other persons.

Soon after he became aware that the male was being held down by members of the public and his unit was tasked to attend at the scene.

At the inquest Senior Constable Hall gave evidence that he had received first aid training in 2007 while at the Queensland Police Academy. As he has been an Operational Skills and Tactics instructor since 2010 he has received yearly first aid updates.

Senior Constable Hall's evidence was that dealing with very intoxicated individuals engaged in conflicts with others was a common occurrence in the Cairns CBD. Police are regularly called upon to restrain and place an apparent aggressor in the recovery position.

Senior Constable Hall stated that when he arrived at the scene at approximately 7:00pm Constables Daniell and Taylor had placed Mr Reading in the recovery position. He had been handcuffed to the rear. There were 15-20 bystanders at the scene which was dimly lit by street lighting and the night was overcast.

Constable Taylor informed Senior Constable Hall that Mr Reading had a pulse. However, Senior Constable Hall was concerned that Mr Reading appeared grey and his lips were discoloured. He told Constable Daniell to remove the handcuffs and together they rolled Mr Reading onto his back to check his airway. Senior Constable Hall was unable to feel a breath and could not find a pulse. He fashioned a plastic bag into a barrier mouthpiece for the purpose of resuscitation. He noted a small amount of blood and dry saliva around Mr Reading's mouth but did not recall any evidence of vomit.

As he was about to commence chest compressions he observed Mr Reading's chest rising and falling and detected a faint pulse. Mr Reading was then

returned to the recovery position when paramedics arrived. QAS officers were initially unable to identify a pulse and commenced resuscitation efforts.

Senior Constable Hall's evidence was that this was a "textbook case" of sudden custody death syndrome. In the 4-5 minutes it took him and his partner to arrive, he became aware that a large male who had consumed a significant quantity of alcohol was being restrained on the ground by a group of civilians. In his mind this ticked all the boxes for sudden custody death syndrome.

Senior Constable Hall's evidence was that the QPS regularly attends incidents in advance of the Queensland Ambulance Service, who will wait or "stage" until police are in attendance, particularly where violence is involved.

Senior Constable Hall's evidence was that handcuffing does not impede the welfare of a restrained person. The safety of officers was a priority and he had experienced occasions when people were "playing possum", that is, were apparently compliant until the handcuffs were removed when they would lash out at police. In his opinion, officers Daniell and Taylor had complied with QPS policies in relation to the use of force and the application of handcuffs.

Constables Darren Daniell and Damien Taylor were the first police officers to arrive at Charnley Avenue on the evening of 2 November 2013.

Constable Daniell's evidence was that he obtained a first aid certificate in the late 1990s and again in 2010 in order to obtain entry to the QPS. He had previously been a member of the Australian Navy and received training in CPR in that capacity. He was unable to recall whether his first aid training encompassed positional asphyxia. He indicated that each year he is required to undergo Operational Skills and Tactics training which includes topics such as positional asphyxia but does not currently cover first aid.

Constable Daniell's evidence was that the only information he had prior to attending Charnley Avenue was that there had been an assault involving a male and a female. On arrival he saw 2-4 males were restraining Mr Reading. They were "on top of him" and there were lots of bystanders. He observed that 1-2 of the males were either sitting, or had their knees on, Mr Reading.

Constable Daniell said that his initial focus was on getting people away from Mr Reading while his partner checked Mr Reading's pulse and tried to speak with Mr Reading prior to rolling him to the recovery position.

Constable Daniell said that the decision to place handcuffs on Mr Reading was made after a pulse was detected and was based on a concern for public safety. He said that when Mr Reading was rolled onto his side they heard a murmur or a gasp from him. After he had been handcuffed his pulse was checked again and it was weak and shallow. Constable Daniell immediately contacted the QAS and requested their urgent attendance.

He then returned to his partner who had difficulty locating a pulse. Mr Reading was rolled onto his back in order to detect a rise and fall in his chest. A second

call for assistance was made to the QAS. Mr Reading was again returned to the recovery position after a pulse was detected and he was still breathing. Constable Daniell said that he and Constable Taylor continued to monitor Mr Reading until Senior Constable Hall arrived and directed that the handcuffs be removed. Constable Daniell said that he did not observe any change in Mr Reading's pallor.

Constable Taylor's evidence was that he did not have a current first aid certificate in November 2013. He received training in CPR from an external provider in 2009 part of the entry process into the QPS. He did not recall whether this training included positional asphyxia. He had previously undertaken first aid training in 2004 when obtaining a security provider's licence. He acknowledged that he undertook annual Operational Skills and Tactics training which covered the positional asphyxia in the context of a violent struggle. He identified relevant risk factors as including health conditions, the consumption of drugs and alcohol and elevated adrenaline.

Constable Taylor said that he had asked for the QAS to attend at the scene while on the way to the scene. The incident had been tasked as code 2 and he considered that the QAS should attend as a precaution.

Constable Taylor said that on exiting the police vehicle he saw 5-6 males near Mr Reading. One was holding him down with his hands and another had his hands placed on Mr Reading's back. He said that this was a hectic scene with the group of men all informing him that they had been fighting with Mr Reading.

Constable Taylor said that the decision to arrest Mr Reading was based on the need to preserve the safety of persons present. Mr Reading was on his stomach but after he was cuffed he was rolled to the recovery position. Constable Taylor said that he had previously been seriously injured by a male to whom he had given "the benefit of the doubt" in similar circumstances. Since that time he had taken a more cautious approach.

Constable Taylor said that he believed that Mr Reading was unconscious as he was motionless and not responding while he was being monitored. Mr Reading did have a pulse and was not grey in pallor, nor had his lips changed colour.

Constable Taylor said that he did not commence CPR because Mr Reading had a pulse and was continuing to breathe. When he had difficulty getting a pulse he asked to Constable Daniell to try to find a pulse and Mr Reading was rolled onto his back and a pulse was located. Constable Taylor said that he was fully aware of the risk of positional asphyxia and acted accordingly. He said that he maintained a position behind Mr Reading while he was in the recovery position and cradled his head, which he considered to be in an awkward position.

Autopsy results

Experienced Forensic Pathologist Dr Paull Botterill conducted an autopsy on 4 November 2013. He gave evidence at the inquest.

He noted that Mr Reading had abrasions on the right elbow, left forearm, left knee, right cheek and left thigh. There were two abrasions which showed signs of healing. They were on the left middle toe and the right knee. There was a superficial lacerated wound to Mr Reading's right great toe. Mr Reading had abrasions on his chest although Dr Botterill considered those were consistent with the effects of resuscitative chest compressions.¹

Upon re-examination on 8 November 2013, Dr Botterill recorded an additional abrasion over the left elbow. No other significant injuries were noted on further re-examination on 25 November 2013.

In summary, post-mortem examinations revealed scarring of one of the heart valves, discolouration of the heart muscle, excess fluid in the lungs, a broken left sided rib and graze over the front of the chest (consistent with resuscitation), fine bleeding spots over the whites of the eyes, bruising of the lips, bruising of both cheeks and injuries to the trunk, hands, forearm and legs.²

Toxicology testing concluded that Mr Reading had a blood alcohol level of 0.26 (in road traffic terms) at the time of his death. In Dr Botterill's opinion such blood alcohol concentration was not, in itself, sufficient to cause Mr Reading's death but would have had a significant disinhibiting effect.

Dr Botterill considered that the cause of Mr Reading's death was most probably a cardiac dysrhythmia during restraint. He considered it likely that the factors of restraint, the stress of the altercation, equivocal heart enlargement, heart valve disease and significant alcohol intoxication may each have contributed to the death to some extent. However, Dr Botterill was unable to quantitate the relative contribution of those factors to the death.³

Dr Botterill considered that in this instance the circumstances were in keeping with a death that occurs during a restraint event. It was difficult to identify a single disease process or injury to explain the death. In combination the risks associated with each of those individual processes or conditions adds up and, in many cases of restraint, results in death.

Dr Botterill agreed that it was legitimate to conclude that the cause of death was "unascertained" and that nomenclature was preferred by many other pathologists. However, in his view the frequency with which deaths occurred with this particular cluster of factors led him to prefer the finding of "cardiac dysrhythmia during restraint" as opposed to "unascertained".

Dr Botterill's evidence was that a normal person can have weight in excess of 200kg on their body which does not result in significant impairment. While more weight, particularly on the upper body, will lead to increased impairment he could not conclude that cause of death was restraint alone.

¹ A4 p3

² A4 p9

³ A4 p9

Dr Byron Collins also gave evidence at the inquest. He is a Consultant Forensic Pathologist with over 40 years' experience. Dr Collins conducted an examination of Mr Reading's body at the request of the Reading family on 25 November 2013. Dr Botterill was present and conducted the relevant examinations with Dr Collins.

Dr Collins prepared a report dated 20 March 2015. Dr Collins stated at the inquest that he was not in general disagreement with Dr Botterill. In his report he concluded that the cause of death was "unascertained", because the factors were so clouded in relation to the contribution made by the heart disease and damaged aortic valve to the cardiac arrest.

Dr Collins evidence was that Mr Reading's very high blood alcohol level would have both a central nervous system depressant effect and a direct toxic effect on the heart which can produce cardiac arrhythmia. He also noted that the physical argument and restraint led to the generation of adrenaline which also has the ability to generate cardiac arrhythmias.

At the inquest Dr Collins considered that the cause of death would be best expressed in a narrative form as "cardiac dysrhythmia during a violent struggle, including restraint in an individual with markedly elevated blood alcohol content and valvular heart disease".

With respect to the influence of the physical restraint on the cause of death, Dr Collins noted that in the past it was thought by a large number of pathologists that when someone was lying on their front with their hands behind the back, there was therefore some compromise in the respiratory function or breathing, either with the movement of the rib cage and/or the diaphragm. He said that this was probably correct, but there was considerable debate that is an appropriate individual cause of death. In his view, although there has been a decrease in respiratory function it may not be of clinical significance, depending on the length of the restraint.

Ultimately, both forensic pathologists agreed it was a cluster of conditions in combination which caused Mr Reading's death. There was not one direct explanation for how he died.

Conclusions

Actions of the restraint group

The oral evidence regarding what happened in Charnley Avenue on 2 November 2013 was conflicting, often vague, and a casualty of the effects of the passage of time. Apart from Leslie Scorey, the witnesses accepted that the accounts they gave to police contemporaneously were the best recollection of events that night.

Given that and the state of the oral evidence, in reaching my conclusions I have placed less weight on the oral evidence of the witnesses involved in Mr Reading's death. I have relied substantially on the statements and interviews which were given by witnesses closer to the time of Mr Reading's death. Based

on all the evidence, I conclude that that the circumstances of Mr Reading's restraint are as follows.

Shortly after 6:00pm on 2 November 2013 an argument began at 27 Charnley Avenue, Bentley Park. Mr Reading was under the influence of a large quantity of alcohol which he had consumed from 8:00pm the night before. He was heard yelling and swearing at persons at his home.

By 6:46pm, when the first 000 call was made by a resident in Charnley Avenue, the argument had escalated and culminated with Mr Reading dragging his partner, Karleen Nathan, and her friend, Natasha Raymond, by the hair and punching them each to the face. This occurred inside the house very close to the front door. The women freed themselves and pushed Mr Reading out of the front door. He tripped over his daughter, falling backwards into the front yard. The women were screaming and the child was crying.

The events which followed occurred in quick succession. The first 000 call at 6:46pm from Ann Jonas indicated that a male was yelling for 30 minutes at a female who was now screaming. Ms Jonas could not make out what the female was saying. Constables Taylor and Daniell arrived on scene at 7:02pm.

At most, the events occurred over 16 minutes. However, it is more likely that the period of restraint commenced at approximately 6.54pm, when Mrs Gisler and Mrs Simpson called 000, and lasted until the QPS arrived – a period of 8 minutes.

Mr Reading returned to his feet and grabbed Natasha Raymond by the hair, shoulder, or both. He pushed her down the steep concrete driveway. This was witnessed by Bradley Gisler who had come from his parents' home at 29 Charnley Avenue after hearing what he described as blood curdling screams from a woman and children crying. Karleen Nathan and Tamara Raymond were at the top of the driveway at 27 Charnley Avenue screaming out for someone to help and for the police to be called.

Natasha Raymond got to her feet. Both she, Mr Gisler and Tamara Raymond, feared that Mr Reading was going to continue his assaults. Mr Gisler feared the assault upon Natasha Raymond was going to continue, as did Tamara Raymond. Natasha Raymond feared that Mr Reading was going to assault Karleen Nathan again.

Mr Gisler went up behind Mr Reading and grabbed him around the body in what he described as a "bear hug". Mr Reading turned and bit Mr Gisler on the right shoulder, tearing Mr Gisler's shirt and breaking the skin. Police later found Mr Reading's DNA on Mr Gisler's wound. Mr Gisler released Mr Reading and punched him. Mr Reading also punched Mr Gisler.

It is likely that each man received a punch to the head. Mr Reading began to throw punches at Mr Gisler but none connected. Mr Gisler, fearing further assaults from Mr Reading, went to restrain him. He grabbed him around the body.

Matt Hoschke and Jacob Butler, having earlier heard yelling, went to investigate. They travelled in Matt Hoschke's car. On arrival they both saw Mr Gisler struggling with Mr Reading and Mr Reading bite Mr Gisler. Neither knew Mr Reading or Mr Gisler. Mr Gisler asked for their help. Jacob Butler called out to Hayden Simpson, Leslie Scorey, and a 14-year-old friend for help. Those young men ran down to 27 Charnley Avenue.

Mr Gisler, Mr Simpson and Mr Scorey wrestled Mr Reading to the ground. They held him on the ground using a combination of their hands, knees and bodies placed variously on Mr Reading's legs, arms, shoulders and lower back. It is not entirely clear as to who did what and where on Mr Reading's body.

Mr Gisler was at the top of Mr Reading's torso using his knee on Mr Reading's upper torso to restrain him. Mr Butler and Mr Simpson were in the mid-area of Mr Reading's torso and Mr Scorey, later replaced by the 14-year-old, was at the legs.

Mr Reading was moving in an effort to get out of the restraint. He was kicking and pushing up with his hands. The men said he was strong and they had to use their body weight to keep him down. Mr Gisler admitted that he called for something to tie Mr Reading up with. He was concerned about how long the police were going to take to arrive and the aggression and violence he perceived that Mr Reading had displayed and was continuing to display. Mr Souter conceded that he said he had cable ties. He retrieved them from his truck and tied them around Mr Reading's ankles and wrists.

The witnesses variously estimated that the cable ties were on Mr Reading for 5 – 10 minutes before police arrived. In that time some said Mr Reading had periods of wakefulness, and those where they thought he was asleep or unconscious. Some heard snoring, a snort, and others nothing. Mr Gisler said he was concerned about Mr Reading falling asleep, and made attempts to wake him with a tap to the face with his palm.

There was conflicting evidence as to whether a person kicked Mr Reading in the head. It cannot be established if that happened. While there was bruising to Mr Reading's head, Dr Botterill's evidence was that how and when that bruise was inflicted could not be determined. It may be consistent with a kick, punch or hitting the ground.

Mr Gisler was best placed, in his position near Mr Reading's shoulder to see if it occurred. His evidence was that he did not see anyone kick Mr Reading to the head. Additionally, others around Mr Reading did not see such a kick. This conflicts with the evidence of Mr Butler and the 14-year-old male. I find on the balance of probabilities that Mr Reading was not kicked.

Once cable tied, Mr Reading continued to be physically held by at least Mr Gisler, Mr Simpson and Mr Butler. Constables Daniell and Taylor arrived at 7:02pm. They formally arrested Mr Reading and handcuffed him.

I am of the view that the initial restraint of Mr Reading was not an unreasonable response in the context of him being seen to push Ms Raymond down the driveway, as well as to bite and punch Mr Gisler. The restraint was for the purpose of preventing further assaults, and to hand Mr Reading over to police officers when they arrived.

I consider that none of those involved intended to cause harm to Mr Reading. His death would not have been a reasonably foreseeable consequence of the actions of any of those engaged in the restraint.

However, I consider that the continued application of force to restrain Mr Reading on the ground in a prone position after the cable ties were applied was unnecessary. He was clearly immobilised. Two of the persons involved in the restraint had previously undergone first aid training. Those persons should have placed him in the recovery position.

The Police response

The first response police officers, Constables Daniell and Taylor voluntarily underwent blood alcohol testing on 2 November 2013 and returned zero blood alcohol readings. The next day they provided urine samples. Upon analysis the samples indicated that no alcohol or drugs were present in their bodies.

The investigation confirmed Constables Daniell and Taylor had achieved currency in relation to Operational Skills and Tactics training (incorporating all use of force options including firearms).

In order to apply force to an individual it is necessary for police officers to consider contents of the QPS Operational Procedures Manual (OPM) at 14.3.2 - Situational Use of Force Model – 2009. This specifies five conditions that must be satisfied for an application of force to be regarded as appropriate.

Constables Daniell and Taylor played a very limited role in the overall context of Mr Reading's restraint. I consider that both officers acted professionally and diligently in the circumstances. They arrived at Charnley Avenue after Mr Reading had been restrained for a period of 5-10 minutes.

The force applied by the police officers was limited to the application of handcuffs to Mr Reading's wrists when he was arrested. The evidence disclosed that police officers are trained, as a matter of safety, to apply handcuffs to apparently violent and aggressive subjects prior to conducting a Post Arrest Risk Assessment (PARA).

Section 615(1) of the *Police Powers and Responsibilities Act 2000* provides:

It is lawful for a police officer exercising or attempting to exercise a power under this or any other Act against an individual, and anyone helping the police officer, to use reasonably necessary force to exercise the power.

I accept that the arrest of Mr Reading by police was lawful under section 365(1)(g) of the PPRA which provides that it is lawful for a police officer to arrest

an adult the police officer reasonably suspects has committed or is committing an offence if it is reasonably necessary “to preserve the safety or welfare of any person, including the person arrested”.

The evidence at the inquest was that the Constables had been informed that a female had been assaulted, and upon arrival they found that Mr Reading was being restrained by a number of civilians.

The Constables conducted the PARA assessment immediately after the application of handcuffs to Mr Reading, who was placed in the recovery position.

This assessment resulted in police identifying his deteriorating condition. Constable Hall took over the first aid management when he arrived and the first response police officers immediately removed the handcuffs. Mr Reading’s airway was carefully monitored. Police officers sought urgent assistance from QAS officers.

I concur with the findings of Inspector Cousins that the actions of Constables Daniell and Taylor were authorised, justified and reasonable in the circumstances.

Findings required by s. 45

I am required to find, as far as is possible, who the deceased person was, how he died, when and where he died and what caused his death. As a result of considering all of the material contained in the exhibits and the evidence given by the witnesses, the material parts of which I have summarised above, I am able to make the following findings.

Identity of the deceased – Mr Neville Royston Reading

How he died – Mr Reading died after he was restrained by members of the community following assaults by him on others.

Place of death – Cairns Base Hospital, Cairns, Queensland

Date of death– 2 November 2013

Cause of death – Mr Reading’s death was due to cardiac dysrhythmia during restraint against a background of significant conditions of alcohol intoxication and valvular heart disease.

Comments and recommendations

Section 46, in so far 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.

One of the issues considered at the inquest was the adequacy and currency of first aid training of QPS Officers.

Constables Daniell and Taylor did not hold current first aid qualifications while Constable Hall did. However, I should note that there is nothing in the evidence to suggest that the first aid response of these officers was inappropriate or had any bearing on the sad outcome in this case.

The inquest heard from the Senior Sergeant Adrian Robb who is attached to the Queensland Police Service Academy at Oxley. Senior Sergeant Robb's evidence was that the QPS policy in relation to first aid management is contained in the First Aid and Infection Control Policy⁴.

This Policy is designed to meet the requirements for the provision of first aid in QPS work places in order to comply with the *Work Health and Safety Act 2011*. It is not intended to cover the requirements of QPS officers in responding to the first aid needs of members of the public, such as Mr Reading, or of fellow officers who may be injured or require urgent attention.

Sergeant Robb's evidence was that the policy requires one qualified first aider for every five employees at station level. The QPS does not require all sworn officers to be first aid qualified. However; officers in various skilled positions such as those in watch houses are required to be first aid qualified. In addition, all police recruits are required to possess a first aid qualification including currency in CPR at the time of graduation.

Sergeant Robb's evidence was that the current policy did not prevent a situation arising where, on any given night at a station, crews could be rostered on which did not include a current qualified first aid and CPR trained officer. The onus is placed on QPS regions to utilise a risk management approach in determining first aid training requirements in accordance with the policy. Training in first aid is provided by external registered training organisations and the content of training is governed by a national training package.

The evidence of Constables Daniell and Taylor was that neither have received first aid or CPR training after graduating from the Police Academy. Both agreed that they would be better placed to serve the community if they received regular updates to this training.

Officers Hall and Robb, both with current first aid and CPR qualifications by virtue of their roles, gave evidence that some changes had occurred to CPR and first aid best practice since they had first undertaken such training.

There is a benefit in ensuring all serving Police Officers have up-to-date knowledge and skills of first aid and CPR. Not only would they be able to confidently and appropriately respond to requests for help by members of the community but also those of their fellow officers if required.

⁴ Ex C15

The QPS are regularly the first to arrive on scene when, in fact, a request for assistance has been made to QAS. A further advantage of ensuring all officers have update first aid and CPR skills is that any assistance rendered before the arrival of QAS would likely to be in line with current best practice techniques and assist paramedics in the performance of their duties.

QPS officers receive annual Operational Skills and Tactics training. This is provided to all officers. Components of that training include how to respond to certain situations, the use of force and such risks as restraint asphyxia.

Extending such training to include relevant CPR and other first aid components would ensure all officers have the most up-to-date CPR and other first aid skills, and is a logical extension to the OST training. Currently officers are trained how to assess the risk of restraint asphyxia while attending at scenes but are not educated on the best practice first aid or CPR responses. Such training need not be at a certifiable standard but could logically be tailored to the needs of QPS officers.

Recommendation

I recommend that the Commissioner of the Queensland Police Service consider incorporating relevant CPR and other first aid response training into annual Operational Skills & Tactics Training provided to police officers.

As noted above, the inquest also heard evidence that two of the persons involved in restraining Mr Reading had previously undergone first aid training. Both appeared to be unaware of the importance of placing restrained or unconscious persons in the recovery position, and the evidence of both men was that they did not receive any training in relation to the risks associated with persons being placed in a prone position.

This gap was recently identified in another inquest in Queensland where the Coroner highlighted the dangers of positional and restraint asphyxia associated with untrained members of the public restraining a person with medical issues. It was recommended there that “*first aid training providers consider including a component in their training to raise awareness about the dangers of positional and restraint asphyxia*”.⁵

The relevant government website indicates that 526 providers are registered to provide course HLTAID003 – Provide First Aid.⁶ I note that this and related courses now include a requirement that candidates demonstrate a knowledge of “airway obstruction due to body position”.⁷

Increased awareness of the risks of positional asphyxia by those who may in the future become involved in the restraint of persons, particularly on the ground, may lead to fewer deaths occurring in these circumstances.

⁵ Inquest into the death of Amit Kumar, 11 March 2015.

⁶ <http://www.myskills.gov.au/courses/unit?Code=HLTAID003>

⁷ https://training.gov.au/TrainingComponentFiles/CHC/CHC_R1.2.pdf

Section 48 referral

As noted above, Inspector Cousins recommended that criminal proceedings not be commenced against those who restrained Mr Reading.

The *Coroners Act* provides that a coroner investigating a death must not include in findings or comments any statement that a person is, or may be, guilty of an offence or civilly liable for something.

Section 48(2) of the *Coroners Act 2003* requires that if, from information obtained while investigating a death, a coroner reasonably suspects a person has committed an indictable offence, the coroner must give the information to the Director of Public Prosecutions. However, information compelled from a witness under section 39(2) cannot be used for this purpose.

Having regard to all the circumstances, including the evidence of both forensic pathologists and my conclusions in relation to the actions of those involved in Mr Reading's restraint, I do not consider that the information arising from this inquest gives rise to a reasonable suspicion that an offence has been committed. A referral will not be made to the Director of Public Prosecutions.

I close the inquest.

Terry Ryan
State Coroner
Brisbane
9 June 2015