



## **CORONERS COURT OF NEW SOUTH WALES**

**Inquest:** Inquest into the death of MG

**Hearing dates:** 29, 30 and 31 August 2022

**Date of findings:** 16 September 2022

**Place of findings:** Coroners Court of New South Wales - Lidcombe

**Findings of:** Magistrate Erin Kennedy, Deputy State Coroner

**Catchwords:** CORONIAL LAW – Manner of Death – Suicide Intervention – Police Operation – Appropriateness and adequacy of police response – Intentional taking of life

**File number:** 2020/00137690

**Representation:** **Counsel Assisting the Coroner:** Ms Maria Gerace

**Solicitor Assisting the Coroner:** Ms Clara Potocki, NSW Crown Solicitor's Office

**NSW Commissioner of Police:** Dr Claire Palmer instructed by Mr Stuart Robinson, Office of General Counsel (NSW Police Force)

**Sergeant Matthew McCarthy and Senior Constable Scott Waples:** Dr Claire Palmer instructed by Mr Stuart Robinson, Office of General Counsel (NSW Police Force)

**Findings:** I make the following findings pursuant to Section 81 of the *Coroners Act 2009* (NSW):

**Identity of the deceased:**  
The person who died is MG.

**Date of Death:**  
MG died on 7 May 2020.

**Place of Death:**  
MG died at the riverbed below the Wingecarribee River Bridge, Hume Highway Berrima in the state of New South Wales.

**Cause of Death:**  
MG died as a result of multiple injuries sustained by a high velocity fall from a height.

**Manner of Death:**  
MG died from self-inflicted injuries after he intentionally jumped from the Wingecarribee River Bridge, Hume Highway Berrima with the intention of taking his own life.

**Recommendations** Nil.

**Non-publication orders:** Pursuant to section 75 of the *Coroners Act 2009* (NSW) I direct that there be no publication of any material including any photograph or pictorial representation that identifies the deceased person (anonymised as MG) and the deceased persons' relatives as that term is defined in section 75(3).

Orders for non-publication of certain evidence as well as the surnames, addresses and contact number of NSW Police Negotiators have been made in this Inquest. Copies of the orders may be found on the Registry file.

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## INTRODUCTION

1. MG was 51 years old and was living with significant psychological health issues in the form of schizoaffective disorder. He had previously made attempts on his own life.
2. On 7 May 2020, at a time when he was not properly medicated and exhibiting symptoms consistent with his illness, he drove himself over 400 km from home and sat precariously on the handrail of the Wingecarribee River Bridge, Hume Highway Berrima at the highest point of the bridge.
3. Some 14 motorists called 000 to report concerns for the welfare of MG, and as a result police responded. A police operation then ensued, and police attempted to negotiate with him for over an hour. MG ultimately jumped from the bridge despite police attempts to save his life.
4. MG had a very supportive and caring family and was a much-loved father, brother, and son.

### Why was an inquest held?

5. A Coroner is required to investigate reportable deaths. MG's death was reportable and pursuant to sections 23 and 27 of the *Coroners Act 2009* (NSW) [the Act], arguably an inquest must be held in this case.
6. As part of the Coroners Court functions, the Coroner must attempt to answer questions in accordance with the Act. This involves an investigation taking place to determine the identity of the person, when and where they died, and what was the cause and manner of their death.
7. In addition, under section 82 of the Act a Coroner may make recommendations that are considered necessary or desirable in relation to any matter connected with the death, including in relation to public health and safety.
8. I have considered it useful in this matter to go into some detail of the facts, including the various timing of events. NG (MG's mother) has been actively involved in the proceedings, but was unable to be present at the hearing due to health issues. It is important that she has the benefit of the substantial evidence that was gathered, and also that the police involved in the incident better understand MG, and the strength of character which allowed him to live a meaningful life despite his significant mental illness. MG will from this point on be referred to as MG in these findings, as he was during the Inquest.

## The Issues for the Inquest

9. Prior to the Inquest commencing, a list of issues was prepared and circulated to the interested parties, these included:

1) The appropriateness and adequacy of the police response to the incident, including:

- a) whether attending police officers followed all relevant policies and procedures;
- b) communication regarding MG's mental health, and any potential for use of force, to police officers involved in critical roles at the scene;
- c) the timeliness of the request for attendance by police negotiators and/or assistance;
- d) in relation to attempts to engage with MG prior to police negotiators arriving on the scene, including in relation to advice given to Senior Constable Michael Wallace by Negotiator Tanya; and
- e) training of attending officers in communication and de-escalation techniques in responding to persons in mental health or suicide crisis.

2) Whether the actions of Sergeant Matthew McCarthy just prior to MG's death were:

- a) consistent with applicable policies and procedures;
- b) reasonable in all the circumstances, including Sergeant McCarthy's experience and training in relation to mental health attendances;

taking into account,

- a police officer's protection of life responsibilities and exigent decision-making; and
- communications with Sergeant McCarthy, before and once he was on the bridge and engaged in negotiation.

- 3) The decision to keep the southbound lane/s of Wingecarribee River Bridge open during the incident, and impact of traffic noise upon officers involved in operational aspects of the negotiations with MG.
  - 4) Whether MG's death was self-inflicted.
  - 5) Are any recommendations necessary or desirable from any matter connected with MG's death.
10. I will return to address these issues after I record my analysis and summary of the evidence which is set out below.

### **The Witnesses**

11. In addition to the written statements and other documentary evidence, the Court heard oral evidence from the following witnesses:
- 1) Acting Inspector Jason Hogan (the Officer in Charge of the coronial investigation and critical incident investigation)
  - 2) Sergeant Matthew McCarthy
  - 3) Senior Constable Scott Waples
  - 4) Chief Inspector Matthew Hanlon
  - 5) Chief Inspector John Klepczarek
  - 6) Negotiator Tanya
  - 7) Detective Inspector Kirsty Hales

### **REFLECTION ON THE LIFE OF MG**

12. MG grew up with his family in Leeton, New South Wales. He was the second son of four boys, together with his older brother LG, and younger twin brothers RG and BG. His mother, NG and father, LG were divorced some 40 years previously.
13. Leaving home when aged around 16 or 17 he went and worked on farms in remote areas. He then worked putting in gas lines. He married MC in his early 20s and had three children, CC, RRR, and RR. MC and MG separated after 10 years, and the children lived with their mother.

14. MG's work took him on travels around Australia, he bought a Harley and loved to spend time in the outdoors camping. However, as time went on, he began to struggle to keep a job as a result of his schizoaffective disorder. His mother wouldn't hear from him for long periods of time and later discover that he had been scheduled to different institutions around Australia. He did however persevere and was able to get back out and obtain work.

## **Medical Drug and Mental Health History**

15. MG was a user of marijuana and alcohol when he was young. He ceased that use years prior to his death, although it appeared to his mother and brother that he may have recently recommenced consuming alcohol. He was a very heavy smoker, the cost of which played heavily on his mind.
16. He had various mental health diagnoses from the age of around 25, but the formal diagnosis seemed to be when he was then diagnosed with schizoaffective disorder in 2011. Schizoaffective disorder is a serious mental health condition. It has features of both schizophrenia (delusional thoughts) and a mood (affective) disorder. Schizoaffective symptoms may include symptoms of mania, depression, and psychosis.
17. His mental health disorder manifested itself in various ways. He would often tell his mother that he was being monitored and followed by the government. He expressed that when he was in hospital he was implanted with a device. He would report hearing voices, always from behind him. His brother BG described him as experiencing highs and lows, with manic episodes. He would sometimes be confused, believing that people were interfering with his mind, or that a chip was in his brain. He also shared that he believed that he had "nanobods" inside him, which he described to BG as being microscopic robots implanted inside him. His daughter CC reported that she would at times receive unusual messages which she interpreted to mean that her father believed people were after him.
18. After his diagnosis he was admitted between five and nine times to hospital for his psychological health treatment and on one occasion he was kept for two to three months. He also made several suicide attempts over those years.
19. In 2005 MG was injured in a motorbike accident in Tasmania, where he took all of his anti-psychotic medication after he lost his job and rode on his bike for what he described to his mother as a "death roll". He was seriously injured, breaking his back, the consequence of which left him with significant back pain and weight gain.

20. Approximately 10 years prior to his death, his mother reported that he suffered brain damage from an overdose. On another occasion MG told BG that he was intending to kill himself, NG called the police, and they were able to locate him, and he was hospitalised for a number of months for psychological treatment. On another occasion, he consumed an entire box of normison which was in his possession due to sleep issues associated with back pain.
21. Medical records show a hospital admission for a drug overdose in 2015. Following that attempt he reported that he regretted failing. He was assessed as a medium overall suicide risk, and the records indicate that a more detailed assessment was needed.
22. On 18 December 2016, he was admitted to Northern Territory Mental Health Services. Discussions were had about changing his then medication diazepam to clozapine, but he rejected that proposal as he could not commit to the regular blood tests required for monitoring his health.
23. Between 2018 and his death, he saw doctors at the Leeton Family Clinic over 20 times for psychological health and pain.
24. On 18 March 2018, he attended Leeton Family Clinic with a relapse of mental health due to non-compliance with medication. He was referred to a psychiatrist. The issue of clozapine was raised again.
25. On 28 September 2018, he attended Leeton Family Clinic and reported becoming irritable and hearing voices when he missed even one dose of his medication, even after an hour, after a few hours he reported that he would start to hear: *"Really loud voices from behind him which scares him a bit"*.
26. On 18 July 2019, he presented to Blacktown Hospital explaining that he was being controlled by electronic devices and puppet master. He was admitted to Bungarabee House and discharged on 31 July 2019.
27. On 29 November 2019, he attended Leeton Family Clinic for discussion about medications but was advised to return for a longer appointment, he then attended on 6 January 2020 for a counselling session and that was to be the last time the records disclose that he saw a medical practitioner.
28. On 13 December 2019, he was removed from the psychiatrists waiting list having declined various teleconferences with the psychiatrist.
29. MG was on a large number of prescription drugs. His brother RG indicated that when he was compliant with his medication, he was spontaneous, jovial, and excitable. Without medication his mother described her son as being manic,



withdrawn, quiet and depressed. He would appear to family at those times that he wasn't really aware of what people were trying to tell him, and that often he would put on his headphones and disappear into his own world.

30. In the months leading up to his death the COVID-19 pandemic commenced. He went to live with his dog Lady by the Euroley Bridge at Yanco, 7 km from Leeton. He would call his brother BG for food, and BG would visit with him. His observation was that MG loved it out there. RG spoke with him regularly during that time on the phone, and noticed that during that isolated stay his brother was moving further from reality.

31. An example of this was a text MG sent to RG on 15 April 2020, and is perhaps illustrative of MG's state of mind:

*"Never contact me again you are the puppet master i have cut your strings of control i will dance to the tune no more*

*Free spirit the negative energy brings me down i broke my mind and body playing this game you and everyone can go fuck em self loose my number...."*

32. During early April 2020, RG and MG routinely had daily casual conversations by phone, for about an hour. RG described the conversations as light hearted such as jokes about scarcity of toilet paper in supermarkets, and the possibility of MG going to Canberra. However, on 17 April 2020, MG told RG by text that he would be off radar for a while. In hindsight, RG considered that MG's isolated time living at the bridge, together with further restrictions and isolation through the impacts of COVID-19, would have established MG's determination to go through with taking his own life.

33. About three weeks before he died, MG moved in with NG and BG. NG requires the use of a wheelchair, and BG is her full-time carer. BG observed that when he moved back, MG was: *"normal and we would go in the back room and talk and joke around"*. MG spoke on the phone a lot, would go into town to get tobacco, and: *"seemed fine"*. However, again in hindsight, BG now recognises that MG was also telling him that he was struggling to manage his back pain. He did not want an operation. He would often remain in the back room with his headphones in and they would not talk much. This appears to have been particularly so in his final week, and even though they would joke together, MG would sometimes suddenly say: *"I'm in pain, don't talk to me"*.

34. RG did not hear from MG for a while until 6 May 2020 when RG had the following text exchange with MG:

[MG] *OK above radar i need a bike*

*Street glide*

[MG] *Plan sell bus ect*

[RG] *Welcome back Sire. Do you want to buy mine?*

[MG] *Mmm how much*

35. The text messages record that RG missed a number of calls from MG, then RG texted at around with bike details. MG texted back:

[MG]: *I know you are not the puppet master? Not sure who is but its ok... i have been programmed by the stroke of the key board and torches so im fuck just run with the program you can't run you can't hide just have to play the game. Over*

[MG] *Also im doubley fucked cause i have also been chipped*

[MG] *They broke my body and mind playing this game even throw i broken and fucked i would rather live on my feed then die on my knees i refused to lay down and die you can check out any time you like but you can never leave so play the game what ever the fuck it is im not sure.*

36. RG then had a very lengthy telephone conversation with MG for about an hour and a half. RG recognised elements of frustration in his tone and words at times. He talked about being chipped and controlled and was angry. RG observed some veiled references to suicide. MG spoke about his capacity to ride a motorbike again. He told RG that he had tried three times to take his own life, referring to occasions when he hit a roundabout, once when driving recklessly, and the time in Adelaide. RG was in very regular contact with MG and a great support to him. He was used to the sometimes somewhat unusual conversations they may have, but on this occasion, there was nothing that specifically worried him about MG at the time, noting MG was living with NG and family was around him supporting him.
37. In the last week or so prior to his death, according to NG: “[MG] was really having trouble with the pain and that together with the mental illness was just too much for him”. He had commented to NG’s cleaner that he could not go on living with the pain. NG said in his final week he was in even more pain than normal.
38. It should be mentioned that his psychological health was also impacted by his physical health, in particular the pain he had endured for years after his motorcycle accident. All who knew him well have commented on the daily struggles he had with pain management, and the fact that in his last weeks it was apparent that he was in significant physical pain.

## EVENTS LEADING TO MG'S DEATH

### 6 May 2020

39. MG got up in the morning on 6 May 2020 and spent time with BG at home and with his dog, Lady. BG observed that MG was very distant that day. He had his headphones in much of the time, and BG thought he wanted to be on his own. From experience, BG knew not to talk to him when he had his headphones in. They did however have lunch together.
40. MG went to bed to sleep at about 3pm which was not unusual. He was still in bed when BG went to bed at 8.30pm and woke at about 10pm that night. He commented to his mother: "*Gee I had a good day with [BG] and I had a good sleep*". She then went to sleep and did not see MG again. His mother reported that it was likely he missed his 6pm medication which, as he had previously indicated to his doctor, would have affected him significantly.
41. The next day, NG and BG both thought he was in his room until the Leeton police attended. Leeton police first attended at 8.05am, after a broadcast at about 7.52am. BG told them he had last seen MG at 9.30pm the previous evening. NG supplied MG's details. Police informed her that a male was standing on a bridge near Mittagong, and her vehicle was near him, and NG assured him that it would be MG. He had taken NG's car. She also informed police that MG suffered from schizophrenia, was taking medication, had been in and out of mental health facilities for 10 years, and saw Dr Callum at Leeton Family Medical Centre. In essence, at that point police had MG's name and some detail about his mental health issues.

### Early 7 May 2020

42. Between 7.04am and 7.14am on 7 May 2020, fourteen motorists called 000 reporting concerns about a man that was standing in the middle of the Wingecarribee River Bridge on the Hume Highway at Berrima.
43. A number of the callers told 000 that they thought the man was about to jump, or commit suicide, and requested police to attend. Concern was also expressed that he might be injured by a passing truck. A summary of the reports made by the callers is set below, and helpful to begin to understand the scene that the officers came upon when they found MG.
44. Callers and reports:
  - a. guy standing on the railing at the Wingecarribee River northbound on M31.
  - b. you got a bloke about to jump of the Wingecarribee Bridge on the Hume

Highway on the north bound side, looked like he has a bottle of alcohol and cigarettes.

- c. bloke just about to jump off the bridge.
  - d. guy standing on the bridge, legs sitting over the bridge, looks like he is about to go.
  - e. bloke about to jump off the Wingecarribee Bridge, standing up on the handrail of the bridge.
  - f. man standing on the bridge, one leg over the bridge, not holding on.
  - g. guy looks he is about to commit suicide.
  - h. guy standing on the bridge, foot over the railing, looks like he is about to jump.
  - i. guy standing on bridge drinking and smoking, worried he is about to jump off.
  - j. might be a jumper on the Wingecarribee bridge – one leg over, one on the bridge.
  - k. guy standing on the bridge.
  - l. gentleman there about to jump.
  - m. man on a bridge, where there is a big drop, bottle in his hand, peering over, looks like a potential suicide, bad spot to stand, no walkway.
45. The Wingecarribee River Bridge is approximately 2.8 kilometres north of the Medway Road overpass. It is about 250 metres in length, and essentially comprises two bridges: one consisting of two northbound lanes and one of two southbound lanes, separated by some distance. The bridge is quite narrow. There is no breakdown section along the bridge, and there is minimal room from the lane to the edge. There is no pedestrian path between the lane and the edge of the bridge. A concrete barrier runs along the edge, with two rectangular horizontal metal railings secured on top of the concrete, running the length of the bridge. The height to the top of the railing is about one metre. The western side of the bridge looks over the Wingecarribee River. From the base of the river below to the top of the rail on the bridge is 26.5 metres.
46. NG's car was parked in a breakdown lane on the northern side of the bridge, with the front driver's side window partially rolled down and keys in the ignition. The rear passenger seat was folded down, and a ladder placed through the car from the boot.

47. Extensive and impressive investigations were not able to establish the exact route that MG took from Leeton to the Wingecarribee River Bridge. Enquiries were made of service stations along possible routes, but none identified the sale of the red Maximus Isotonic sports drink that MG was seen to be drinking at the Wingecarribee River Bridge. According to NG, the petrol tank of her car was full when MG took the car on 6 May 2020. When it was searched after his death, Senior Constable Miller observed the tank to be at just less than half and opinion was given that it is possible that just over half a tank was sufficient for that length of drive without a refill required. Bank records and number plate recognition system checks did not assist with this aspect of the investigation.

### **Initial police attendance on 7 May 2020**

48. Senior Constable Michael Wallace, driving a highway patrol car, was the first to arrive at 7.12am, having responded code red to a message via police radio. On arrival he saw MG sitting on the guard rail of the bridge with his legs on either side of the rail. Senior Constable Wallace stopped his vehicle about 20-30 metres from MG, and activated his body worn video when he got out of the car. He walked a couple of metres towards MG, before MG raised his left hand indicating for Senior Constable Wallace to stop. Senior Constable Wallace knew nothing about MG, not even his name.
49. At this point it might be helpful to reflect upon the scene that Senior Constable Wallace came upon. MG was sitting on the guard rail of the bridge with nothing between him and a drop of over 26 metres. There was no walkway or path to access the area that he was sitting, he had parked his car and then walked on a busy four lane bridge to finally seat himself in a very precarious position.
50. Senior Constable Wallace had activated his body worn video, which recorded him trying to engage with MG. Senior Constable Wallace said: *“Do you want to talk, Sir? Want to talk to me? Come and talk to me”*. MG shook his head, then stood up, put one leg over the guard rail and sat back down. He stared to the west, taking big breaths, drank from his sports drink bottle, and lit a cigarette. He stayed there, at times standing and stretching. Senior Constable Wallace continued to attempt to talk to him, but MG would shake his head. Senior Constable Wallace informed radio and requested additional cars to divert northbound traffic, and for Senior Constable Scott Waples to attend the parked cars on the northern side of the bridge. Senior Constable Wallace also requested a negotiator to attend.
51. Senior Constable Wallace made the difficult decision to close two lanes of traffic travelling northbound. He assessed the situation as dangerous for MG and acted swiftly to stop the traffic to allow MG space and safety from passing traffic. It was commented by Chief Inspector Klepczarek in evidence that this act

should be commended for quick, decisive, brave, and appropriate action.

52. Senior Constable Waples, part of the Hume Highway Patrol, was the second police officer to arrive. He was rostered to start his shift at 7am, tasked to the Hume Highway. He was still getting changed into his uniform at work when he heard the call for assistance at Wingecarribee River Bridge. He knew it was in his area and that it was a priority job. He was aware that Senior Constable Wallace was also on his way. He carried body worn video on and headed out alone. He heard from Senior Constable Wallace that he needed someone to come from the North, as he had himself closed the south bound lanes, and as a result Senior Constable Waples entered that way, arriving at 7.23am.
53. Senior Constable Waples had initially proceeded code blue, but when he received more information he proceeded code red, which allowed him to move at speed with lights and sirens and his body worn footage automatically activated. The transcript recorded his conversation from about the time he arrived at the bridge location, including:

*“... just wondering as well, if we might consider closing, uh, southbound lanes. I know we don’t want to have to. Uh, just, if we do get a negotiator, with traffic going by, it’s, um, quite noisy, so we’d have to get quite close to him, to be able to have a conversation with him.”*
54. When he arrived, Senior Constable Waples saw NG’s car at the immediate north end of the bridge. He stopped and supplied its registration details to radio. He waited for checks on the vehicle, and for any information about MG as Senior Constable Waples still did not know his name or whether there were any concerns he should be aware of. He could see MG sitting on the western guardrail in the middle of the bridge, and observed that he was a larger build, estimating that he was at least a hundred kilograms and close to six feet. He could also see Senior Constable Wallace with his car at the southern end of the bridge, about 20 metres from MG.

### **Negotiator response**

55. At 7.17am, a message was broadcast over VKG advising that Senior Sergeant Stewart Arnold, South Region Operations Coordinator, should be contacted if negotiators were required.
56. At 7.20am, police negotiator Tanya, having heard broadcasts about the incident, started travelling from Goulburn on her own volition. She did so because she was aware that the travel time was around 45 minutes. As she left Goulburn, she contacted the on-call Negotiation Coordinator’s number and advised Detective Senior Sergeant Murphy of what was unfolding, and that she was heading to the

location in spite of the fact that police negotiators had not been officially activated. On her drive towards the Wingecarribee River Bridge, the police negotiation team was engaged, and she then proceeded at speed with lights and sirens.

57. At 7.30am, Senior Constable Waples walked down onto the bridge. MG saw him and raised his right hand to stop him, which he did. MG then turned and looked at Senior Constable Wallace, and put his hand up as a signal not to come near him. Senior Constable Waples stayed where he was. He conveyed on radio that MG was sitting on the bridge with his legs over on the river side. His observation was that MG was in no rush, seemed fairly calm, and was sitting on the top railing with both hands on the railing. MG lit a cigarette. Senior Constable Waples saw that he had earbuds in his ears and that he looked to be listening to music.
58. Senior Constable Waples waited for about 15 or 20 minutes. At 7.37am he spoke with Chief Inspector John Klepczarek. There was no real change in MG, he sat and occasionally looked around. At 7.38am, Senior Constable Waples saw Sergeant McCarthy's car which was a marked police car approach and park at the southern end of the bridge, about 30 or 40 metres from the centre of the bridge. When Senior Constable Waples got closer, he could see that it was Sergeant Matthew McCarthy and Senior Constable Simone Houghton. Later in his interview an emotional Senior Constable Waples said: *"I just remember I was glad that it was Matt... he's pretty relaxed, calm sort of fellow"*.
59. Sergeant McCarthy has been a police officer since 1993. At the time of the incident he had been in the Southern Highlands area for ten years. He was in uniform. He recalled that a call came in some time after 7am reporting a male person on the bridge, and a CAD message went out. Highway Patrol was copied to the job and were attending.
60. Senior Constable Wallace inspected the edge of the bridge and returned to his vehicle at 7.43am. MG remained apparently focussed to the west, and towards Senior Constable Waples. He lit another cigarette. At 7.46am, Senior Constable Wallace requested that Leeton police attend NG's address to obtain background information.
61. Sergeant McCarthy tried to narrow the distance between himself and MG, and to engage him in conversation. Senior Constable Waples said that MG put his hand up indicating Sergeant McCarthy to stop, while MG was still smoking a cigarette with his legs over the bridge. Senior Constable Wallace saw that MG was watching Sergeant McCarthy and at times appeared to speak.

62. Senior Constable Waples was also making his way a little closer. He observed MG was pretty much at the highest point, which Senior Constable Waples thought was concerning and deliberate.
63. It crossed Senior Constable Waples' mind that if the officers could get in a position, they might look to grab MG, but he was of a solid, fairly large build and Senior Constable Waples (of an average build) did not consider that he himself would try to grab him. Senior Constable Waples thought MG could pull him over the bridge with him. MG seemed reasonably relaxed to Senior Constable Waples, having a cigarette occasionally, and Senior Constable Waples thought he would wait and see how it played out.

### **Sergeant McCarthy**

64. Sergeant McCarthy did not take a radio onto the bridge with him. That is appropriate practice in cases such as this. The radio can distract from the task of trying to engage and also might allow information detrimental to the individual to be overheard on police radio.
65. MG would not acknowledge Sergeant McCarthy, would not turn around and talk, and was repeating things. Sergeant McCarthy assumed MG was talking to him, and: "*kept that upbeat and positive*". MG drank from his red sports drink, which was on the railing beside him. His breathing was heavy. Sergeant McCarthy thought he appeared to be trying to prepare himself. Chief Inspector Klepczarek arrived, as well as an ambulance, followed by the SES at 7.58am. He states that Sergeant McCarthy was at that time about 5-7 metres south of MG, and Senior Constable Waples about 10 metres to the north.
66. At this time, after shuffling to get a good stance, MG stood up, rocked back and forth, and stretched before sitting again. Senior Constable Waples thought he would jump then, and called urgent on the radio to advise what was happening. At 7.54am, MG stood again before sitting back down. At 7.56am, he lit another cigarette.
67. At 7.56am and again at 7.59am Sergeant McCarthy approached further, thinking: "*what the hell am I going to do here*". Senior Constable Waples watched Sergeant McCarthy getting closer, and assumed he was trying to get close enough to speak with MG without having to yell, given the traffic noise and MG's earphones. MG still did not talk, and did not turn to acknowledge Sergeant McCarthy. He did put his hand up and said: "*don't come closer*" or: "*don't come anywhere near me*". Sergeant McCarthy continued to try to talk to him and he asked whether there was anyone in the car, whether he had hurt anybody; trying to elicit a reaction.



68. Sergeant McCarthy turned around and saw Senior Constable Wallace, and Chief Inspector Klepczarek. Senior Constable McCarthy recalled looking back later and thinking that he saw Negotiator Tanya out of the corner of his eye. She arrived at 8.07am. Later, he said that felt that he did not look around enough times, but it was a difficult set up with only two lanes on the bridge, and was difficult for people behind him to speak with him. He could see Senior Constable Waples about 20-30 metres in front, or in his periphery, but the others were behind him.
69. At one stage, Sergeant McCarthy had a buzz on his phone, asking him how it was going and whether he was talking to MG. He did not reply, not wanting to take his focus off MG even for a moment.
70. Sitting on the railing, MG continued to rock. He finished his cigarette, had some of his drink, held onto the bridge, and stood up again to stretch before sitting again. Sergeant McCarthy said:
- “... he just appeared to be, I’m not going to say building up courage, because he appeared to be already there. He was at that point, I guess he was just preparing himself. He kept moving his feet constantly, trying to get into position. And when I say that he would get up on his toes, get his feet back on his flat so he could prepare himself to stand. That’s what it appeared to be... He would um, rock back and forth, with his shoulders back and forth on the, on the railing au, with his hands at the back of the railing as if um, he was holding on to the railing. And he would also put his hands towards the front of the railing as if he’s going to propel himself forward.”*
71. Sergeant McCarthy said that this all gave him serious concerns, so he tried to manoeuvre himself further. A couple of times, Sergeant McCarthy looked over the edge to try to talk to MG or bring MG’s gaze towards him and get a reaction.
72. At about 8am MG took his earphones off, which Sergeant McCarthy thought to be possibly a good sign. MG turned towards Senior Constable McCarthy. Senior Constable McCarthy asked him if he was MG to which MG said: “Yes”. Senior Constable McCarthy asked him whose car it was, and MG mentioned it was his mother’s car. Leeton police provided information shortly after they received it and Senior Constable Wallace and Negotiator Tanya stood together to hear it.
73. Senior Constable Waples, who had been 15 to 20 metres away, was also slowly getting closer so that if something happened, he could assist. He could see that MG was engaging with Sergeant McCarthy, but could not hear what he was saying.

74. Sergeant McCarthy thought he had engaged MG. But straight away, MG said words to the effect:
- “I’ve been programmed to do this. I’ve got a chip in my head. I’ve been programmed to do this for the last 15 years. I’ve got a chip in my head. I’m here, I’m going to jump off.”*
75. Sergeant McCarthy said MG was rather calm, did not seem emotional, and did not appear to be hostile. Sergeant McCarthy tried to continue the conversation, MG was dismissive, and he turned back, and rocked again. He would not reply to some of Sergeant McCarthy’s questions and would not engage again, until he said: *“I’m here to jump. I’m going”*. At 8.06am he stood and stretched again.
76. At 8.07am MG lit a cigarette. Sergeant McCarthy by that stage was within about six feet of MG. Sergeant McCarthy spoke with MG about MG’s jacket, trying to get him to engage. MG was wearing an old style black leather jacket, with a Harley Davidson emblem.
77. Also at 8.07am, Chief Inspector Klepczarek received a call from the Southern Region Commander Assistant Commissioner Cassar. Chief Inspector Klepczarek said he had real concerns about the situation, having observed MG over the preceding period, and that he believed this was a real self-harm situation and that MG was making peace with himself before deciding what to do.
78. At 8.09am, Senior Constable Waples moved closer. Sergeant McCarthy glanced back and saw “Mr Kane” (referring presumably to Inspector Klepczarek), and Negotiator Tanya. Sergeant McCarthy asked MG: *“are you from Leeton, do you live with your mum, and how long have you lived there?”*
79. At 8.09am and 8.10am, police radio conveyed that MG had a mental health history and suffered from schizophrenia, and had not been taking his medication. Senior Constable Waples heard this, but with the handset up to his right ear so that the volume was not up too high.
80. Investigations suggest none of the other involved police officers heard the information broadcast at 8.09am.

### **Circumstances in which MG jumped from the bridge**

81. At 8.10am, Senior Constable Waples body worn video captured Sergeant McCarthy saying: *“my mate over here is going to move closer”*, and he pointed north towards Senior Constable Waples. A synopsis of Senior Constable

Waples' in car video and body worn video describes the events which followed at 8.11am:

*"[MG] looked to his right and Sergeant McCarthy made a move towards him, grabbing [MG]. [MG] then turned around to see Sergeant McCarthy and the Sergeant was then pushed away by [MG], falling back and tripping onto the ground. Senior Constable Waples then ran towards Sergeant McCarthy, and shouts out five times the name [MG] trying to get his attention. [MG] stood up, paused and turned to face west swinging his arms back and jumping, while Sergeant McCarthy attempted to grab after [MG] who has already jumped. [Negotiator Tanya] and Senior Constable Wallace are in the middle of lane 1 at that time, and Senior Constable Waples called on his radio then ran down to the bank."*

82. Sergeant McCarthy describes this as follows, which Senior Constable Waples states happened just as information came over the radio about MG's mental health:

*"I tried to, I then pointed to Senior Constable Waples, who was, um, 20 to 30 metres in front of us, which was on, on [MG's] right-hand side, trying to get him to focus on that person. As soon as he's done that I took an opportunity where I thought was going to be safe for us and I've reached out to try and pull him down and pull him back on the railing. And I was extremely conscious that because of the size of the bloke and because of his build, I didn't want to be in a position where he was bigger than me to drag me over..."*

*I was very conscious of that. Um, he's turned around to see Scott Waples and that's at that point he's must of flipped back or seen me move and he's, he's just lifted up his left arm and flicked me to the ground and, and I've had, I've had hold of nothing basically. I've landed on the footpath trying to pull him backwards. Um, as soon as that's happened Scott's managed to run up beside me or he was getting closer. And [MG] has then stood up or, or got his balance back again because I, I pulled him off balance um, and he's got up and raised himself and, and just dived over the edge. Um, I then heard Scott Waples come over and he's, he's got on the radio and said, he's jumped, he's jumped. I've got flannelette shirt in my hand from [MG] and just, I've thrown that into the corner and um, that's when um, the other police arrived."*

83. Senior Constable Wallace describes Sergeant McCarthy as attempting to grab MG by the left shoulder, but that he lost his footing and slipped, losing hold, and causing MG to lose his balance over the guard rail towards the roadway. Senior Constable Waples describes MG as leaning towards Sergeant McCarthy, seeing Sergeant McCarthy "sort of lunge fairly quickly to, to try and grab, grab him on the arm". At almost the same time, Sergeant McCarthy

looked as though he slipped over on the roadway, and lost his grip on MG. Senior Constable Waples started to run to try to assist, and call out to MG who was facing east towards the bridge. Senior Constable Wallace states that MG regained his balance, stood up, turned around, placed his arms slightly above his shoulders and dove off the bridge. The body worn footage records Senior Constable Waples calling “[MG]” five times, but MG *“just, he stepped back or just jumped back of, off the bridge”*. Senior Constable Waples ran to the edge of the bridge and saw MG just as he hit the ground. He advised radio that MG had jumped.

84. Negotiator Tanya describes that there appeared to be a struggle between MG and Sergeant McCarthy, that MG appeared to hit out at Sergeant McCarthy, and then launched himself off the bridge. She states that she was in disbelief at what had occurred. At no time had she spoken to or attempted to engage MG.
85. In evidence, Sergeant McCarthy was able to describe vividly those last moments of MG’s life. He had a clear recollection of realising that something was about to happen, the heavy breathing that MG was exhibiting, as if readying himself, coupled with MG moving his grip, back and forth all the while in a precariously dangerous position over the railing of the bridge.

### **Recovery of MG’s body**

86. Senior Constable Waples had noticed earlier that there was an access point to get down towards the river, and at 8.11am he jumped the guardrail and made his way to the bottom. A crime scene was declared at 8.13am. At 8.20am Senior Constable Waples called out to MG in disbelief.
87. Not wanting to contaminate a potential crime scene below the bridge, Senior Constable Waples waited before he was advised that a paramedic crew was coming down. During that time he was a few metres away from MG’s body, close enough to observe that MG had suffered catastrophic and fatal injury. Senior Constable Waples advised radio that MG appeared to be deceased.
88. At 8.27am the paramedics arrived below the bridge, from the southern side. They checked for vital signs and at 8.33am confirmed that MG was deceased, which Senior Constable Waples in turn confirmed on the radio.
89. At 8.37am, Senior Constable Waples made his way back up onto the bridge, to the southern side and then to the command post. At about 10.15am he was driven to Moss Vale police station with Senior Constable James McCarron, a peer support officer, who explained what was likely to happen in terms of process, but they did not discuss the incident itself.

## Subsequent police actions on 7 May 2020

90. After MG jumped from the bridge, Sergeant McCarthy said he managed to get himself back over to the police car, and that: “[u]nfortunately, I, I failed with what I needed to do. Um, and that’s something that I’ll live with.” Police in attendance saw he had blood on his face. Sergeant McCarthy grabbed a bit of paper (an exhibit bag) and tried to jot down some things that he could remember. He recorded the time he started writing as 8.12am. In interview he read from the exhibit bag (the bag was not seized). He wrote down:
- the name: “[MG]”;
  - that MG had said: “I’m programmed to do this for 15 years”;
  - that Sergeant McCarthy asked him about whose was the car, and that MG said: “my mum”;
  - that MG had said: “I’ve got a chip in my head and I’m programmed to do, to jump. I’m going to jump. I’m going”.
  - that at that, when MG said: “I’m going”, Sergeant McCarthy said: “My friend” and pointed to Senior Constable Waples, trying to direct MG’s attention;
  - that MG was sucking in deep breaths and exhaling, appearing to be: “planning to propel himself”;
  - a reference to about five cigarettes;
  - that there was a small amount left in the bottle;
  - location of MG’s car.
91. A critical incident investigation was notified, and Detective Senior Sergeant Jason Hogan (as he then was) tasked as the Senior Critical Incident Investigator.
92. Sergeant McCarthy returned to Moss Vale police station, together with Senior Constable Casey. He otherwise did not speak with people directly involved in the incident, and did not look at CAD messages, or try to review anything before being interviewed. In the car he spoke to her about what may occur once they arrived back. When they arrived, she got him a cup of tea, and he stayed in the supervisor’s office.
93. At the bridge location, police spoke with civilian witnesses. Superintendent Chris Schilt arrived from Goulburn at approximately 8.26am. Chief Inspector Klepczarek briefed him, including saying to the effect of:

*“He just looked as if he was definitely going to do it. The Highway guys had gotten here first and tried to engage with him and then Matt McCarthy started trying to speak to him... I was worried that Matt might go over with him if he’d had a good hold of him”.*

94. Superintendent Schilt considered the officers designated as “involved” in the critical incident to include Sergeant McCarthy, Chief Inspector Klepczarek, Senior Constable Waples and Senior Constable Wallace.

### **Critical Incident Investigation**

95. Immediately following MG’s death, NSW Police took a number of steps to investigate the relevant events.
96. At 8.10am, Chief Inspector Klepczarek notified the regional commander of the death of MG.
97. On receipt of the notification, Chief Inspector Mark Howard, South Region Professional Standards Manager, declared the matter a critical incident.
98. At 8.20am, Chief Inspector Howard telephoned Detective Sergeant Jason Hogan (as he then was) appointing him as the Senior Critical Incident Investigator (SCII) for the investigation into the death.
99. Strike Force Berncla was created on NSW Police eagle information system and the investigation was commenced.
100. Further police officers were tasked to the investigation: Detective Senior Constables Kirkwood, Barnett, Bertacco and Senior Constable Miller.
101. Detective Sergeant Hogan led the Critical Incident Investigation.

### **Police Actions and Actions of Sergeant McCarthy**

102. There is prima evidence that MG was behaving in a manner that would lead the reasonable observer to conclude:
  - a. He was on the bridge with the intention of taking his own life.
  - b. He was suffering with a mental illness at the time.
  - c. There was a risk of imminent of suicide by jumping off the bridge

103. At the location he had stopped his car and walked back along the highway, on the roadway, where there was no pedestrian path and position himself on the barricade at the highest part of the bridge. He was initially straddling the barricade but was later sitting on the barricade with both legs over the bridge facing towards the river.
104. Detective Senior Constable Kirkwood determined that Senior Constable Wallace and Senior Constable Waples both had body worn cameras which had been activated during the incident, and both police cars in car videos which had also been activated during the incident. All footage was obtained.
105. Sergeant McCarthy and the other police officers engaged appropriately and sensitively with MG, proceeding in a manner so as not alarm, or inflame the situation, to reduce stimuli, and as far the location permitted, to protect him from the dangers posed to him by passing traffic and from himself.
106. It is apparent that significant resources were deployed to seek to avert the suicide of MG. Sergeant McCarthy and the other police officers were motivated to try and assist MG.
107. Sergeant McCarthy approached MG slowly, and calmly. Sergeant McCarthy had received appropriate training in mental health intervention, and even though some time had elapsed since his training, his method of approach and engagement reflected current training in communication and de-escalation, and the STOPAR principles in responding to mental health or suicide crises.
108. There is no basis for criticism or adverse comment to be made of the actions of Sergeant McCarthy and the other police officers in what can be described as difficult, challenging, and tragic circumstances.

## **Conclusion**

109. MG had strong family support. He was a traveller and loved being outdoors. He loved to camp, and COVID-19 impacted him greatly in his ability to work and travel. He was however provided with a home and support by his mother and brother. His brother RG was in regular contact with him, and spent many regular hours on the phone with him. The picture painted is one of an intelligent and humorous man who loved his own company, his dog, and his family. He negotiated life with a significant mental illness, and had developed coping strategies, including putting his headphones in his ears to shut the world out at times.
110. He would regularly present to doctors and hospitals for help. Sometimes he took himself there when he knew his mental health was not under control. Other

times he was taken to hospitals when he was too far gone and had lost touch with reality. There were times that he made serious attempts on his own life and failed, but sadly as a result he was left with significant pain that he also had to deal with.

111. There is little doubt that when he drove to the bridge, he was in the throes of his mental illness, which had deteriorated significantly in the lead up to his death. His own words disclose that he had departed from reality and was in the clutches of psychosis.
112. Investigations showed that he did not fill enough scripts to even have enough medication to be properly medicated. The opinion of Dr Pieternel Sonia van Nieuwenhuijzen was that the toxicology demonstrated that he had remained unmedicated in the days leading up to his death. MG himself reported to doctors that the voices would return within mere hours of failing to take one dose.
113. There are a few heroes to mention in this tragic account. The first are the motorists that called in for help. Some 14 in total bothered to call to have someone attend to MG and try to assist him. The information provided by those individuals sets the scene for what Senior Constable Wallace would first come across. After only a few seconds of seeing MG 14 people were of the view that this man might take his own life.
114. Senior Constable Wallace arrived alone and immediately tried to speak with MG. This is in keeping with police policy and procedure. MG warned him using his hand to stay away, again we heard from expert negotiators that this is appropriate engagement. Senior Constable Wallace then set about doing what he could. He made the extraordinary and courageous decision to close two southbound lanes of the bridge, and should be commended for doing so. He kept attempting to engage, called for assistance, and diverted traffic.
115. Senior Constable Waples then arrived, he also tried to engage with MG. He conducted searches and inquiries in relation to the car, reported in, and then tried to start the negotiations.
116. Sergeant McCarthy then arrived on the scene. The evidence in the Inquest was able to draw out further the type of character of this officer. It was a relief to all that he was there. He was described by the Chief Inspector as a person you would not “sub out” of the situation. Senior Constable Waples was relieved to see it was Sergeant McCarthy, a peoples’ person, someone who could relate to anyone. They had a chance of connecting with MG once Sergeant McCarthy had arrived.



117. He didn't hesitate and immediately began the process of inching closer to MG, giving him the patience and space that he needed, while slowly getting closer. MG seemed less concerned by Sergeant McCarthy's presence, and over time allowed him to get closer. He wouldn't engage, wouldn't speak, but tolerated the Sergeant's presence, a tribute to Sergeant McCarthy's ability to deal with people.
118. Sergeant McCarthy didn't get the information from police radio that MG suffered from a mental illness, but that would not have changed his approach. An extremely experienced officer, a person who could deal with almost anyone and he of course had already formed the view that he was dealing with mental illness.
119. Chief Inspector Klepczarek arrived at the scene which was now his responsibility. He was monitoring the situation and directing the moving of vehicles and other matters that he could control. He too had great faith in Sergeant McCarthy, but it was clear from his contemporaneous communications that he knew there was a real possibility that a life would be lost that day.
120. At first blush and watching the footage it may appear that Sergeant McCarthy was all alone on that bridge with MG. The evidence demonstrates that this was far from the case. Sergeant Wallace had played his part in setting up the best conditions for negotiation. Chief Inspector Klepczarek was in control of the scene, and Sergeant McCarthy knew that, and at times they would make eye contact, however Sergeant McCarthy for the most part remained intently focused on MG. The other officers were intently focusing on Sergeant McCarthy and his safety.
121. Senior Constable Waples was also shadowing Sergeant McCarthy, waiting for a move or an indication, edging closer to MG and just as invested in trying to get MG out safely.
122. Negotiator Tanya was another exceptional officer involved in this matter. She was going about her duties and heard on the police radio that something was happening. She calculated that she would need 45 minutes to get to the scene, sensed that she would be needed so got in her car and started making her way there just in case she was needed. Once the official call was made, she was able to activate lights and sirens and was able to make it to the scene, unfortunately, just as MG decided to make the fatal jump.
123. It is unlikely to have come across a more experienced, caring, and appropriate group of officers than on this day on the Wingecarribee River Bridge. Sergeant

McCarthy was never alone, he performed his role as negotiator under dangerous conditions, but he had a team of officers supporting him.

124. After watching the tragic footage a few things were very apparent. The officers were in no hurry, they demonstrated patience and calmness allowing MG space and time. MG was in a position where at any moment he could have slipped or jumped and fallen from his position to his death.
125. Detective Inspector Hales indicated in her evidence that often people who have made the decision to end their life will become very calm. Consistently the officers that day mention how eerie it was, the calmness demonstrated by MG as he sat in a life-threatening position on that bridge. He didn't seem interested in the police, and seemed to be fixated off into the distance, and yet was calmly able to put up his hand to ward officers away. He didn't want their help or assistance as he slipped further from reality.
126. Sergeant McCarthy was able, as his fellow officers knew he would, to have some engagement with MG, and perhaps he should take comfort in that, because he managed to obtain critical information for this Inquest and for MG's family. His brief discussion was able to elucidate that he was no longer thinking rationally, he told him that he was programmed to do this, had a chip implanted in his head, had come to this spot to jump, and was going to. This was not the funny, happy, vivacious man known to his family, this was a person in the clutches of mental illness, no longer able to be rationalised with.
127. The objective evidence so helpful to the inquiry was viewed and there is a moment in the footage where everything seems to change, MG's demeanour changes, he stands up and takes out his headphones and engages with Sergeant McCarthy. The officers who gave evidence all felt the shift in the scene, and believed that he was about to jump, but no one was as sure as Sergeant McCarthy, who had stood so patiently by for over 30 minutes. He acted because he had to in that moment, and he tried to save the life of MG. He put himself at risk, but it was a risk he was willing to take. As Chief Inspector Klepczarek said, there is no police policy relevant in that moment, it was a person trying to save the life of another person.
128. He was no match for MG in size, and MG was in a very difficult position on the other side of the railing, there was little chance that Sergeant McCarthy could succeed but nonetheless he was determined to try.
129. It is clear that MG did not intend harm to anyone else that day. He showed no anger, no aggression and at the critical moment he demonstrated that by pushing Sergeant McCarthy away. Given his size, position and determination it was easy for him to do so.

130. MG then paused, collected himself, and sadly chose to jump from the bridge. A very distressing part of the footage was of course that, and what followed. The anguish and disbelief in Sergeant McCarthy's body language was devastating. The immediate yelling and running of Senior Constable Waples as he desperately tried to get MG's attention and stop him, while also trying to get to the side of Sergeant McCarthy to keep him safe. An officer running to comfort Sergeant McCarthy. No one could be left in any doubt of the intention, determination and devastation to those officers living out the last moments of MG's life.
131. The family statements provided in the Inquest really said it all. MG was much more than his mental illness, and those statements and photographs provided attest to that. The family were gracious enough to thank the police for their humanity in that difficult last hour of MG's life, and wanted all of these officers to get help for themselves, and move forward in the knowledge that they had done more than enough.
132. Hopefully after hearing the evidence the family can also feel some comfort in the fact that MG wasn't alone on that bridge. That he was supported by an impressive and dedicated team and was able make one last connection with Sergeant McCarthy, giving that critical information that it was not he, but his illness who had made the decision to end his life.

## **FINDINGS ON ISSUES EXAMINED AT INQUEST**

### **Was the police response appropriate and adequate?**

133. It is very apparent that significant resources were deployed to attempt to avert the loss of life. The motivation, sensibility and commitment of the responding officers was exceptional. All relevant policies and procedures were followed. In difficult circumstances, the police used every available means of communication. The request for negotiators was made in a timely manner but in any event the negotiator proceeded even before she was required. All officers present worked in concert to attempt to save MG's life.
134. Officers Wallace, Waples and McCarthy made appropriate, calm, and repeated attempts to engage with, and offer assistance to MG should he wish to engage and receive assistance. Sergeant McCarthy had received appropriate training in mental health intervention, and even though some time had elapsed since his training, his method of approach and engagement reflected current training in communication and de-escalation, and the STOPAR principles in responding to mental health or suicide crises.

## **Was the decision to keep the southbound lane/s of Wingecarribee River Bridge open during the incident, appropriate?**

135. The answer to this question is that yes, Senior Constable Wallace acted swiftly and decisively to make a considerably serious decision to close two lanes to allow the negotiation process to take place safely. There was no need to close the southbound lane. There was no evidence that traffic noise adversely impacted the operation underway.

## **Were the actions of Sergeant Matthew McCarthy just prior to MG's death appropriate?**

136. The evidence discloses that his actions were consistent with applicable policies and procedures. His actions were reasonable in all the circumstances, including his correct assessment in the minutes before MG's death, that MG was resolved to and likely to imminently jump from the bridge. There was a sense of immediacy. Sergeant McCarthy was an experienced officer who had undertaken relevant training. He was in a very dangerous situation himself, with a very real risk that if he intervened, MG's size and position could result in Sergeant McCarthy being pulled over the bridge.
137. His actions were solely directed to trying to intervene to prevent death and were timely. Chief Inspector Klepczarek had formed the view that MG was serious in his intent. Detective Inspector Kirsty Hales, Commander of the Negotiation Unit, confirms the demeanour described was reflective of someone reconciled to the decision to end his life. Detective Inspector Hales also confirms that her assessment of the movements of MG and his deep heavy breathing reflected steps being taken to act to end his life, with a sense of immediacy.
138. For officers McCarthy and Waples, the necessary critical incident investigation has resulted in an additional heavy burden, in terms of isolation and as described by Chief Inspector Klepczarek, the black cloud that remains over someone's head whilst the investigation is underway. The additional burden should be acknowledged as well as the resources and supports made available by New South Wales Police, within the constraints of the investigation, to those officers.
139. It is important to also and specifically mention the burden that was felt by Sergeant McCarthy who attended the scene acting as the lead negotiator and who attempted but was unable to stop MG taking his life.

## **Whether MG's death was self-inflicted**

140. Counsel Assisting submitted that the available evidence supports a finding that MG's death was self-inflicted. A finding that a death is intentionally self-inflicted

should not be made lightly. The evidence must be extremely clear and cogent in relation to intention. The proper evidentiary standard to be applied to a coronial finding of intentional taking of one's own life is the *Briginshaw* standard (*Briginshaw v Briginshaw* 60 GLR 336).

141. On this matter I find that the evidence establishes that MG was on the Wingecarribee River Bridge to take his own life. That conclusion can be reached from the following evidence:

- a) That in the weeks before the fatal event, MG appeared to be losing touch with reality.
- b) In the days before driving to the Wingecarribee River Bridge MG had been withdrawing from his family and had talked of suicide and not being able to live with the pain anymore.
- c) MG was withdrawn, as evidence on 6 May 2020 of having his headphones in his ear, recognised by his family, that he wanted to be left alone and did not want to be spoken to.
- d) From 7.04am, a number of passing motorists (14 in total) saw MG on the barricade of the bridge and called 000 requesting police attend as they were concerned for his welfare, with many of the callers believing he was there to jump.
- e) MG positioned himself at the highest point of the bridge, over rocks.
- f) MG had walked along the road to get to the highest point of the bridge.
- g) MG drove over 400 km away from home to this location.
- h) There was no walkway and no other rational reason to be where he was.
- i) MG climbed the barricade and moved both legs from the roadside over the barricade to the western side of the barricade.
- j) MG remained on the barricade for approximately an hour and 6 minutes before jumping to his death. He was calm, without agitation, without any apparent fear of the height at which he was from the ravine below. His demeanour was at odds with his position. The apparent calmness was eerie on the evidence of Chief Inspector Klepczarek who had formed the view and communicated it in the minutes before he jumped, that it looked like MG was serious and going to take his life. Detective Inspector Hales

said that the calmness is reflective of someone who had made the decision to end their life.

- k) Despite repeated early efforts to engage made by Senior Constable Wallace and later Sergeant McCarthy, MG made it clear he did not want to engage with Police, or to have them engage with, or to come near him. MG ultimately permitted Sergeant McCarthy to approach.
- l) In the minutes before he jumped, he took out an earphone and spoke with Sergeant McCarthy, telling him that he was from Leeton, it was his mother's car, he had a chip in his brain and had been programmed to do this for 15 years, and he was there to jump and was going to jump. In a minute or so after this exchange, he was seen to move and shuffle his feet to get a position or position them in preparation to jump from the bridge.
- m) MG whilst on the Wingecarribee River Bridge, moved his hands backwards towards the railing, seemingly in assessment of the possibility of using the barricade to push himself off or in front of himself to propel himself forward. He started breathing heavily, taking in heavy breaths in immediate preparation to leave the bridge. Sergeant McCarthy correctly judged that MG was preparing to imminently jump from the bridge. Detective Inspector Hales gave evidence that MG's movements should be recognised as preparation for jumping from the bridge.
- n) Sergeant McCarthy moved quickly and appropriately in execution of his duty for protection of life to try and pull MG back from the barricade to the road. MG turned and seeing him, used his arm to push Sergeant McCarthy away, and despite Sergeant McCarthy having made contact and grabbing MG, MG was able to push him away, and Sergeant McCarthy fell to the ground. MG was approximately six foot six, with a large build, and was able to easily push Sergeant McCarthy away.
- o) MG stood and could have moved away, or sought assistance, if he so desired. Instead, he stood, then bent his legs down, stretched his arms upward and out and jumped from the bridge. His actions were deliberate.
- p) MG was likely suffering from his mental illness schizoaffective disorder at the time of his death and the burdens of that illness and his physical back pain.

142. I am satisfied that the evidence before me in its totality establishes that MG intentionally jumped off the Wingecarribee River Bridge to end his life and accordingly, I make a finding that his death was self-inflicted.

## **RECOMMENDATIONS**

143. The only area that was provisionally explored in this Inquest related to the issue of mental health training for police officers. Sergeant McCarthy praised the four-day course he had attended and recommended more such training for all officers. Chief Inspector Klepczarek felt the same.
144. Chief Inspector Hanlon gave evidence that his unit provides training to enhance police practice in the area of mental health training. He gave evidence that indicated that since the training in this area has started rolling out, critical incidents had fallen significantly, and he was in the process of creating a shorted day-long course to ensure it would reach more officers in the field. It was clear from his evidence that staffing for his team has resulted in delays for this critical training program.
145. The officers who had experienced the training talked about the value of learning to understand the issues faced by those with mental illness. There was great value indicated through role play and hearing from those who suffered with mental illness, given the large amount of contact police have with those falling into that category.
146. The family indicated a desire to see police best supported in the area of mental health, for both themselves, and others.
147. Although I decline in these proceedings to make any recommendations in relation to those issues that were raised but not fully explored in the circumstances of this case, I take the opportunity given the issues raised by dedicated officers to encourage that a spotlight is placed on mental health training for all police officers.

## **ACKNOWLEDGEMENTS**

148. The first recognition needs to go to the family of MG, who participated in the investigation and proceedings. The family provided the Inquest with necessary insight into the life of MG. Their voices were heard by the attending police officers in their thanks to the officers for the fine work they performed.
149. The second is to the Officer in Charge, Acting Inspector Jason Hogan. It wasn't just an excellent example of a thorough investigation, but the Officer went beyond and ensured the family was cared for during the process, even enabling

NG to access to the footage, which could not have occurred without his support and assistance.

150. To all the officers who gave statements and provided insightful evidence of a very difficult time for them.
151. To the legal representatives for the NSW Commissioner of Police for their helpful and sensitive approach to the proceedings.
152. Finally, to the team I was assisted by. To Ms Potocki, solicitor assisting for her compassionate work with the family, her preparation of the Inquest and organisation of the same and the assistance she provided directly to me in a professional manner to a very high standard. Also to Ms Gerace of Counsel who determined to do justice to the investigation and provide a very thorough opening. A senior ranking police officer thanked her while he was still in the witness box for her conduct of the matter. He indicated that through her impressive opening she had provided perhaps the best healing opportunity for the police officers involved and deeply affected by this tragic event. A credit to her work and the tone she managed to achieve in these proceedings.

## **FINDINGS REQUIRED BY SECTION 81(1)**

153. As a result of considering all of the documentary evidence and the oral evidence heard at the Inquest, I am able to confirm that the death occurred and make the following findings under section 81 of the Act in relation to it:

**Identity of the deceased:**

The person who died is MG.

**Date of Death:**

MG died on 7 May 2020.

**Place of Death:**

MG died at the riverbed below the Wingecarribee River Bridge, Hume Highway Berrima in the state of New South Wales.

**Cause of Death:**

MG died as a result of multiple injuries sustained by a high velocity fall from a height.

**Manner of Death:**

MG died from self-inflicted injuries after he intentionally jumped from the Wingecarribee River Bridge, Hume Highway Berrima with the intention of taking his own life.



## **FINAL REMARKS**

154. To the family and friends of MG, I offer my sincere and respectful condolences for the difficult loss.

155. I close this inquest.

**Magistrate E Kennedy**

Deputy State Coroner

16 September 2022