



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Gordon Copeland
<b>Hearing dates:</b>	18 July 2022 to 29 July 2022
<b>Date of findings:</b>	18 April 2023
<b>Place of findings:</b>	Coroners Court of NSW at Moree
<b>Findings of:</b>	<b>State Coroner, Magistrate Teresa O’Sullivan</b>
<b>Catchwords:</b>	CORONIAL LAW – death by drowning – First Nations death – Gomeroi man – police search
<b>File number:</b>	2021/200437
<b>Representation:</b>	<p>Counsel Assisting the Inquest: Dr Peggy Dwyer instructed by the NSW Crown Solicitor’s Office</p> <p>NSW Commissioner of Police, NSW Police Force (‘NSWPF’), and Constable Nick Murray, Constable Kobe Russell, Leading Senior Constable Crystal Manusu, Constable Abbey Cook, Constable Harley Griffith and Inspector Helen McWilliam: A Mykkeltvedt of Counsel, instructed by NSWPF Office of the General Counsel.</p> <p>Detective Senior Constable Bradley Beddoes: Paul Madden of Counsel, instructed by Walton Madden Jenkins.</p> <p>Josephine Brown: Imogen Hogan, instructed by the Aboriginal Legal Service NSW/ACT.</p> <p>Narelle Copeland, Jacinta Copeland and Lesley Fernando: Bill Neild SC, instructed by the Aboriginal Legal Service NSW/ACT.</p>

<b>Findings:</b>	<b>Identity:</b> The deceased person was Gordon Copeland. <b>Date of death:</b> Gordon died at approximately 2:30am on 10 July 2021. <b>Place of death:</b> Gordon died in the waters of the Gwydir River near the Yarraman River Bridge in Moree, NSW. <b>Cause of death:</b> The cause of death was presumed drowning. <b>Manner of death:</b> Gordon died after falling or wading into the Gwydir River, after an effort to evade police.
------------------	---

**Recommendations:**

**To the Commissioner of the NSW Police Force:**

1. That the NSW Police Force review their training in relation to the history of First Nations Peoples to ensure that it is as comprehensive as possible in relation to the history of colonisation and the ongoing impact of colonisation on First Nations peoples today. Where possible, Aboriginal Liaison officers should be engaged in delivering ongoing training for Police.
2. That the NSW Police Force consider providing officers with training on trauma-informed communication with families, particularly First Nations families, when they are concerned about a missing person.
3. That the NSW Police Force review their training, for both recruits and current employees, in relation to critical decision-making training, to improve critical thinking in situations such as the preliminary search along the river.
4. That the New England Police District, encompassing Moree Police, conduct a review of the available rescue resources, taking into account their unique environment, including the river systems, to determine what further rescue equipment should be kept at stations and in vehicles.
5. That the New England Police District, encompassing Moree Police, conduct a review of the available training courses, taking into account their unique environment, including the river systems, to determine whether further courses should be offered to police.
6. That the NSW Police Force review their formal debriefing to determine if it is adequate to provide NSW Police with the necessary advice and support after experiencing a trauma like Gordon's death, particularly to determine what can be learnt and how officers can support each other.

	<p>Pursuant to s. 74(1)(b) of the <i>Coroners Act 2009</i> (NSW), there is to be no publication of the following:</p> <ol style="list-style-type: none"><li data-bbox="568 315 1406 461">1. The information and/or documents identified as subject to non-publication in the “non-publication order” made by State Coroner on 12 November 2021, which is annexed hereto and marked “<b>A</b>”; and</li><li data-bbox="568 501 1406 647">2. The information and/or documents identified as subject to non-publication in the “non-publication order” made by State Coroner on 16 December 2021, which is annexed hereto and marked “<b>B</b>”.</li></ol>
--	---

## Table of Contents

<b>Introduction</b>	<b>6</b>
<b>The purpose of an inquest and role of the Coroner</b>	<b>8</b>
<b>Gordon’s movements on 9 July 2021</b>	<b>10</b>
<i>Interaction with NSWPF Vehicle Moree 14</i>	11
<b>Were Police in “Pursuit” of the Corolla?</b>	<b>13</b>
<i>Regardless of whether there was a “pursuit”, was it appropriate for the Corolla to be followed by Moree 14 and/or Moree 16</i>	15
<b>Events following Jabour, Kowhai and Gordon’s exit from the Corolla</b>	<b>16</b>
<i>Gordon runs from police – the preliminary search</i>	17
<i>Was the initial search by the riverbank reasonable?</i>	24
<i>Concessions made by NSWPF about the initial search</i>	26
<i>First contact between police and Michelle Lahood/Clark</i>	27
<i>Constables Murray and Russell return to the scene around 3.45am</i>	27
<i>Gordon is sited in the water</i>	28
<b>The second search for the male person (Gordon) continued – other police arrive back on scene</b>	<b>30</b>
<i>Second contact between Police and Michelle Lahood/ aka Clark</i>	32
<b>Gordon’s family report him missing to police on 11 July 2022</b>	<b>38</b>
<b>The search is resumed on 11 July 2021</b>	<b>43</b>
<b>A further search was conducted from 10 to 12 August 2021</b>	<b>45</b>
<b>Gordon’s body was located during a final search on 6 and 7 October 2021</b>	<b>45</b>
<b>Reflections</b>	<b>46</b>
<b>Recommendations</b>	<b>49</b>
<b>Conclusion</b>	<b>51</b>

## Introduction

1. Gordon Copeland or “Gordy” as he was known to his family and friends, was born on 22 March 1999, and was 22 years of age when he went missing on the banks of the Gwydir River on Saturday 10 July 2021. He was a Gomeri man, the son of Narelle Copeland and Phillip Boney, a loving partner to Josephine Brown, and a father to their three children, two of whom survive him.
2. Before I go further in these findings, I want to again extend my sincere condolences to Gordon’s family, a large number of whom attended each day of the inquest, either in person or by video link. Gordon was deeply loved and he is deeply missed. To lose anyone at the age of 22 is devastating, but the particular circumstances of Gordon’s death, and the fact that he remained missing for many months while the family searched desperately, made his passing particularly traumatic. I acknowledge that the trauma and the loss continue to be felt by Gordon’s family and the community.
3. I also want to acknowledge that since we last adjourned the Court, the family have lost two more much loved members. Both family members were actively involved in this inquest. I acknowledge the impact on the families of the cumulative loss of so many loved ones, but also the strength of the bonds as they support each other through each difficult time.
4. At the commencement of the inquest, the conclusion of the inquest and before these findings were delivered, there was a smoking ceremony outside the Court in Moree. I recognise and respect that Gordon was a First Nations man, and that this inquest was heard on the lands of the Gomeri people that were never ceded.
5. A particularly difficult feature of this inquest is that before his death, Gordon was fleeing on foot from police, and immediately prior to running from police, he had been a passenger in a car that police had been following. The last person to see Gordon alive was a police officer, and, after he went missing, Gordon’s family members were reliant on police to coordinate and assist in the search for him. To understand the family’s pain and frustration, it is important to understand the history of the relationship between police and Aboriginal families in NSW, particularly in and around Moree, which has been traumatic for Aboriginal people. In spite of more recent efforts to build better relationships, and some good work done by some police in Moree, mistakes were made in the treatment of Gordon’s family that led to an apology from the NSW Police Force (‘NSWPF’). These mistakes should be the subject of ongoing reflection and learning.

6. Towards the end of the inquest, Gordon's family shared with the Court some of the joyous moments of Gordon's life to help us to remember him for the bright young man he was. Family members paid tribute to Gordon through their statements, songs and videos, and it was obvious how much love and care went into honouring his memory.
7. I cannot do justice to their beautiful words, but I have set out some of those memories in these findings, so that anyone reading them will begin to understand the huge loss that the family and community have endured.
8. Josephine Brown was Gordon's partner and the mother of his three children. She met Gordon when they were 14 years old at the Moree Show and after that, her childhood sweetheart became her soulmate. Josephine describes Gordon as loving, caring and bubbly. They lived between her family and his, and were inseparable and Josephine's family became his family as well.
9. She explained, and I saw for myself, that family was so important to Gordon. He loved his parents, his sister, his aunties, his uncles, his cousins, his nephews, his nieces, and his children.
10. Gordon's mother, Narelle Copeland, spoke of him growing up on the Mehi Mission in Moree, surrounded by lots of family on the mission, including cousins, aunties, uncles and Nan and Pop Cope. Nan Cope called him her special boy and Pop Gord, who was also called Gordon, and they were very close. Gordon was really well-behaved as a child. He called everybody auntie and uncle. When he talked to someone he would always end the conversation by saying, "*See you later. Love ya.*" He had a really big heart and he had so much love to give. It was very genuine, and he really did love everyone.
11. Bianca, Gordon's sister, lost her only sibling. They grew up best friends and always made sure they were both okay. She and the family loved him unconditionally and they miss him beyond words. To them, he will always be the brightest star in the sky.
12. Michael, Gordon's uncle, explained that Gordon was named after an uncle who passed away just before he was born and he was a big part of the family. Gordon's Aunty Krystal and Uncle Clifford read a beautiful poem that they dedicated to him, and told a fantastic story about rushing back from the Aboriginal Knockout just in time for Jo to give birth. Gordon was so excited about becoming a dad.

13. Uncle Chris Copeland and Aunty Emma Smith remembered the joys Gordon brought back into the family when he was born. They were proud to watch him grow and they also spoke about how happy it made Gordon to become a father.
14. Gordon's Aunty Leslie was very close to him and, when he went missing, she advocated for him passionately, as she has done throughout this inquest, and no doubt will do always.
15. Gordon's cousins - Jameela, Jasmine and Jayla, Letika, Shamera and Lisa, also told their own beautiful stories. Lisa said that everyone had a funny story about Gordon and he touched everyone's lives, which was so obvious in the funny and warm stories that were shared.
16. Finally, Gordon's dad Phillip had written some words for his boy, and Gordon's uncles, Kevin and Daniel, stood up to support him while they were read out in Court. Phillip spoke about his own joy the night Gordon was born, and about Gordon's bond with his sister Bianca and his empathy for Josephine losing Gordon as her partner.
17. The Court also heard from two of Gordon's best friends growing up, who were brothers to Gordon and an important part of his family. They love him and miss him and will always remember their great times together.
18. Gordon's family and community have shown incredible strength and solidarity in his honour. His family searched along the riverbank daily for Gordon while he was missing, at great emotional and financial strain.
19. The findings of this inquest will not bring closure or comfort to Gordon's family, but it is hoped that his loved ones have a clearer understanding of the circumstances surrounding his death. I have no doubt that the police involved have been deeply affected by Gordon's death and I hope that the lessons learnt here will inspire more efforts to listen deeply to First Nations families and to resolve to learn from the mistakes that happen when we don't.

### **The purpose of an inquest and role of the Coroner**

20. The inquest is a public examination of the circumstances of Gordon's death. The primary function of this Court is to explore the circumstances in which Gordon's death occurred, and to identify opportunities to prevent deaths in similar circumstances.



21. The role of a Coroner, as set out in s. 81 of the *Coroners Act 2009* (NSW) ('the Act'), is to make findings as to the:
  - a. the person's identity, and
  - b. the date and place of the person's death, and
  - c. the manner (or surrounding circumstances), and
  - d. the medical cause of the death.
22. In this inquest, the identity of the person who has passed away, the date, time and place of the death and the medical cause of Gordon's death are not in issue. The central issue concerns the "manner of death" or in other words, the circumstances surrounding Gordon going missing, what was done to find him, why and when.
23. In assessing the surrounding circumstances, a Coroner must judge the appropriateness of steps taken or not taken by an involved person or organisation against the information that was available to them at the time, and not through the prism of the tragic outcome of this case.
24. Pursuant to s.82 of the Act, the Coroner may make any recommendations that are considered "necessary or desirable to make in relation to any matter connected with the death". Throughout the inquest, witnesses are encouraged to reflect on their actions, to identify whether there was an opportunity for better decision making, and, particularly when it comes to senior leaders in agencies like the NSWPF, whether there are systemic changes that might help to prevent deaths in the future.

### **The proceedings**

25. The inquest into Gordon's death was held at Moree Local Court from **18 to 29 July 2022**.
26. A list of issues was distributed to parties identified as having a sufficient interest in the subject matter of the proceedings. The full list is attached to these findings at **ANNEXURE C**.
27. The issues investigated included:
  - a. the reasons why the car Gordon was a passenger in was followed by police in the first place; why he ran from police on foot;
  - b. whether police knew or ought to have known that he had fallen in the river; and

- c. whether the various searches for Gordon, that night and subsequently, were adequate, and if not, why not.
28. The Court also heard evidence about how Gordon's family was treated when they reported him missing on 11 July 2021, why that was so traumatising and frustrating, and the lasting impact and hurt caused by their interaction with police at that time.
29. Some of those issues were easily clarified and some were more difficult, and were the subject of conflicting evidence. It is not uncommon that witnesses have different memories of events. I am confident that throughout the course of the inquest, Gordon's family gave honest and forthright evidence which was of great value to the Court. I also accept that police witnesses made a genuine effort to give truthful answers.
30. In some cases, the police officers who gave evidence also expressed their genuine sorrow about Gordon's death and issued emotional apologies to the family for failures in the investigation which have contributed to their pain. Some of the police officers were more reflective and more thoughtful than others. Nothing compares to the grief of a family member, but I accept that Gordon's death has had a profound impact on many of the police officers involved in the search for him.
31. I am grateful for the efforts of Gordon's family, and of the NSWPF, and of the legal representatives, for their assistance to address the issues. I also express my deep gratitude to Ms Nicole Lowe, the Aboriginal Coronial Information and Support Program ('ACISP') Officer at the Coroner's Court. The ACISP role is a relatively new role at the NSW Coroner's Court and, through the tireless work of Nicolle Lowe, has become an essential role. She is a compassionate and skilful advocate for First Nations families as they experience some of their most difficult days. I would also like to acknowledge the work of Ms Elizabeth (Lizzie) Jarret, the Coronial and Court Support officer at the Aboriginal Legal Service.

### **Gordon's movements on 9 July 2021**

32. On 9 July 2021, Gordon spent the first half of the day with Josephine and their young son. At about 1.30pm, Gordon left the house. Josephine messaged Gordon during the day. She had one reply from him around 5pm and she had a missed call from him at 5.18pm. She last tried to call him back at 9.30pm and she went to bed about half an hour later.

33. When Josephine woke up the next morning and Gordon wasn't home, she was naturally very worried about him. She could see that Gordon had tried to call her via Facebook at 1.31am on 10 July 2021, but when she called back, there was no reply. At 7.45am, Josephine messaged Kowhai Roberts to ask if she had seen Gordon, but Kowhai replied (untruthfully as we now know) that she had not.
34. Overnight between Friday 9 July and Saturday 10 July 2021, Jabour Clark and Kowhai Roberts, then boyfriend and girlfriend, were driving a black Toyota Corolla, registration CY43GG ('the Corolla') that belonged to Michelle Lahood (also known as Michelle Clark), which they had taken from the home of Alison Lahood, Jabour's grandmother. In the early hours of the morning on 10 July 2021, Jabour and Kowhai saw Gordon walking on the road and they picked him up and offered him a lift. They were about to drop him back to his house when they spotted a police car near the train station and got scared that it would pull them over.

#### ***Interaction with NSWPF Vehicle Moree 14***

35. The police car that Jabour, Kowhai and Gordon sighted was 'Moree 14' – a marked car occupied by Leading Senior Constable Crystal Manusu ('LSC Manusu'), Constable Josh Jones and Constable Katerina Hinton, who were patrolling in Moree because of the increased stolen vehicle activity in the town. LSC Manusu was the senior police officer driving the police car. From the manner of Jabour's driving, she suspected the Corolla was stolen and decided that she would follow behind it. The Corolla appeared to speed up as it travelled through the intersection of Jones and Frome Streets, Moree.
36. Jabour, Kowhai and Gordon drove north on the Newell Highway along the bypass, turned left off the highway and went towards the racecourse, turning right on to the Carnarvon Highway. They headed towards Yarraman, knowing that the police were behind them. They turned down a dirt track after the Yarraman Bridge and continued down this track until the car got bogged and they had to stop.
37. It is possible to get a timeline of the events after police spotted the car because police used the in-car radio in Moree 14 ('MOE 14') (a system known as the 'VKG') to call in their movements. Those voice calls are recorded on the Computer Aided Dispatch ('CAD') system, which provides a reliable record. A very helpful chart with those calls was prepared by the Crown Solicitor's Office and is attached to these findings at **ANNEXURE D**.

38. At 2:19:46am, Constable Katerina Hinton, who had the job of calling in on the radio, said:

*“We’ve just had a car take off on us, it’s heading right on Gosport towards... Street, Moree ... Black sedan, Newell Highway ... On the Newell Highway, we are heading north bound now.”*

39. As they are trained to do, the VKG operator asked “14, are you in pursuit of that vehicle?” The answer from MOE 14 was a definitive “no”. At all times between the first call at 2:19:46, and the time when the Corolla was located bogged at 2:31:23, the Police in MOE 14 maintained that they were not in pursuit.

40. Another Police vehicle, MOE 141, also heard the radio call, and replied “Thanks radio, we are going to start heading out that way”. Wanting to ensure that all police knew there was no pursuit in process, the operator stated “141 you do copy that MOE 14’s not in pursuit of that vehicle?” Again, MOE 14 broadcast:

*“Not in pursuit, we can see the tail lights. It’s still heading north on the Newell Highway towards Boggabilla ... We’ve turned left onto Boggabilla Road heading back towards Moree.”*

41. At 2:21:34am, LSC Manusu radioed in:

*“We have lost sight, but we can, uh, its heading south bound on the Bougainvillea highway. We can still see the tail lights... Right onto the Carnarvon Highway.”*

42. Immediately after that communication, the VKG operator told MOE 14: “14, if you keep giving me locations you’ll have to either confirm that you’re in pursuit of the vehicle or not.

43. At 2:22:21, MOE 14 replied:

*“That’s the information of the other cars, the locations that we’re giving. We can see the taillights about 200m in the distance **so we are not in pursuit.**” [Emphasis added]*

44. The VKG operator posed a question to MOE 14: “14, did it just take off on you for what reason?”

45. LSC Manusu replied:

*“The vehicle has seen us. We haven’t had a chance to activate our warning lights to pull it over, so its seen us and it’s taken off... There’s been many stolen vehicles in this location lately, so I’m unsure because I’m unable to get a rego whether it may be stolen.”*

46. At 2:23:36, LSC Manusu stated:

*“We can’t even see the taillights on the Carnarvon highway anymore. Can you get the vehicle that’s following me to turn left immediately after the bridge to see if the vehicle’s turned left and turned their lights off?”*

47. At 2:31:23, around 11 and a half minutes after the vehicle was first sighted by LSC Manusu driving MOE 14, the police officers in Moree 16 (‘MOE 16’) radioed in *“We’ve located that vehicle, at the end of a dirt road. First left after the bridge on the Carnarvon”*.

#### **Were Police in “Pursuit” of the Corolla?**

48. The NSWPF Safe Driver Policy (‘SDP’) defines a pursuit as:

*“an attempt by a police officer in a motor vehicle to stop and apprehend the driver of a vehicle, regardless of speed or distance, when the driver of the other vehicle is attempting to avoid apprehension or appears to be ignoring police attempts to stop them. **A pursuit commences at the time police decide to pursue a vehicle that has ignored a direction to stop.**”<sup>1</sup>*

49. Although the term “pursuit” is understood commonly as to follow after something or someone, the way in which a pursuit is defined in the SDP means that first, police must get close enough to the vehicle to give it a direction to stop and second, the occupants of a vehicle must ignore the direction.

50. I have already noted that Constable Hinton confirmed to the VKG operator that MOE 14 was not in pursuit of the Corolla.<sup>2</sup>

---

<sup>1</sup> Vol 5, T130 – Safe Driver Policy

<sup>2</sup> T1.32.10 (18 July 2022)

51. LSC Manusu, the driver of that vehicle, gave evidence as to why she did not believe they were in pursuit of the Corolla at 2.22am, when she became aware that the Corolla had seen their vehicle and “taken off”.<sup>3</sup> She stated:

*“I’m aware of the New South Wales Police safe - safe driver policy and - in relation to pursuits. And it did not meet the criteria of - for a pursuit. I hadn’t requested - I hadn’t engaged that vehicle to stop. And if [I] had of, and then it had taken off, then I would have engaged in a pursuit. But I hadn’t asked it to stop, and it hadn’t - it hadn’t refused that request to stop the vehicle. So I - I wasn’t in pursuit.”<sup>4</sup>*

52. Her understanding of the definition of pursuit is as follows:

*“A pursuit is engaged when you make an attempt to stop a vehicle and that attempt is ignored by the driver of that vehicle. And when I attempt to stop a vehicle, I get an appropriate distance behind the vehicle, and I activate my warning lights, so they’re able to see them and know that I’m trying to request that they pull over. So without getting a suitable distance to this vehicle, to activate – if I had’ve activated my warning lights 200 metres away from them and I wasn’t confident that the driver of that vehicle would have, one, seen them, or two, known that it was for them, due to the distance between us.”<sup>5</sup>*

53. Constable Hinton accepted that it was a possibility that the Corolla had seen NSWPF vehicle MOE 14, and had 'taken off' for that reason.<sup>6</sup> However that would not fit the definition of a “pursuit” for the purpose of the SDP.
54. Constable Joshua Jones gave evidence that he was certain that MOE 14 did not have its lights and sirens on while following the Corolla. When asked how confident he was about this issue, he replied, “100 per cent confident.”<sup>7</sup>
55. Jabour Clark was interviewed on body worn video on 14 July 2021. He stated that when he saw the police car: “I don’t know, we just drove”. He stated he was afraid of going to gaol for “driving cars”.<sup>8</sup> It is worth noting at this point that Jabour was unlicensed and that the car he was driving was unregistered. Police did not become aware of this until they found the car bogged and were able to

---

<sup>3</sup> T1.34.30 (18 July 2022)

<sup>4</sup> T1.33.5 (18 July 2022)

<sup>5</sup> T1.34.35—40 (18 July 2022)

<sup>6</sup> T3.145.30 (20 July 2022)

<sup>7</sup> T3.199.45 (20 July 2022)

<sup>8</sup> Tab 52, transcript of interview with Jabour Clark at p. 12.

get the license number. Jabour stated that police followed him “*all the way into town*”. He thought police used high beams, and were “*flashing sometimes*”.<sup>9</sup>

56. Kowhai Roberts provided a statement dated 11 July 2021 and unlike Jabour, she did not think police had their lights on. She stated they saw police and got scared. She described the direction they travelled and stated: “*I knew that the police were behind us*”.<sup>10</sup> Kowhai was also interviewed on body worn video on 14 July 2021. She described seeing a police car and stated: “*then that’s when they chased us, no lights on, no sirens, just chased us*.”<sup>11</sup> She recalled the police vehicle having just “*normal headlights*.”<sup>12</sup>
57. The weight of the evidence is that police did not activate their lights or sirens. Although I understand the family’s concerns, the actions of police cannot properly be characterised as a “pursuit” for the purposes of the relevant policies of the NSWPF because at no time did they give the occupants of the Corolla a direction to stop.

***Regardless of whether there was a “pursuit”, was it appropriate for the Corolla to be followed by Moree 14 and/or Moree 16***

58. In her evidence, LSC Manusu explained that NSWPF vehicle MOE 14 was following the Corolla so that they could get close enough to request the vehicle to stop. She also wanted to get close enough to be able to see the registration of the vehicle so they could check if it was stolen.<sup>13</sup>
59. Constable Hinton also believed that the vehicle may have been stolen, and that it was speeding. She explained that:

*“there was a recent spate of stolen vehicles within the Moree township and surrounds. At the time there was more than likely at least one stolen car every second, every third night, and the manner of driving made me believe that that vehicle could have possibly been stolen.... the sign posted area is 50 kilometres an hour. I estimate that vehicle could have been travelling between 80 to 90 kilometres an hour. That’s approximate speed.”<sup>14</sup>*

---

<sup>9</sup> Tab 52, transcript of interview with Jabour Clark at p. 12.

<sup>10</sup> Tab 51, statement of Kowhai Roberts at [4].

<sup>11</sup> Tab 50, transcript of interview with Kowhai Roberts, p. 12.

<sup>12</sup> Tab 50, transcript of interview with Kowhai Roberts, p. 16.

<sup>13</sup> T1.33.15 (18 July 2022)

<sup>14</sup> T3.142.30—35 (20 July 2022)

60. LSC Manusu accepted that NSWPF vehicle MOE 14 was following the Corolla from 2:19am to 2:24am, and stated, *"I would say about four minutes because when I turn the corner and couldn't see the lights, that's when I – that's when I suspected that they had pulled off."*<sup>15</sup>
61. She agreed that her actions in following the black sedan would create risks for the occupants of the Corolla,<sup>16</sup> but she was balancing the risk to the occupants against the risk of vehicle theft, stating:
- "I suspected there was a stolen vehicle and there had been a lot of stolen vehicles recently. On this occasion, I did want to stop what was possibly a stolen vehicle and offenders that are stealing a vehicle. I didn't want to put anyone in danger at the time, but I wanted to stop of crime of stealing the vehicle."*
62. During the inquest, the NSWPF provided me with statistics about the number of stolen vehicles in Moree and I accept that it is a problem for the community. It is also clear from the information that was radioed in by police that they were concerned because of the time they saw the car, and the manner of driving, that it was a stolen vehicle. Ultimately, they were right to assume that the vehicle had been taken without the owner's permission.
63. Of course in hindsight, knowing the tragedy that unfolded, it would have been better that the car had not been sighted and followed, but police were not at fault for doing so. There is a community expectation that police will investigate stolen vehicles. There was no malice intended by the police following the vehicle and there was nothing reckless about their driving.

### **Events following Jabour, Kowhai and Gordon's exit from the Corolla**

64. After the Corolla arrived by the river, Jabour, Kowhai and Gordon jumped out of the car and ran, and as they did, they could see headlights from the police vehicle coming down the dirt track. Jabour and Kowhai ran down the track to avoid police, and saw a shed - the river was behind it. There was a barbed wire fence near the back of this shed and they went over the fence. Kowhai saw police at the car that they ran from and police running down the dirt track towards them from the car. She and Jabour went along the edge of the river and reached another shed not far away and they kept walking along the river away from police until they got all the way into town.

---

<sup>15</sup> T1.37.5 (18 July 2022)

<sup>16</sup> T1.37.35 (18 July 2022)



65. The first officers to arrive near the Yarraman Bridge (also referred to as the Pioneer Bridge or Gwydir River Bridge), at about 2.50am, were Constable Kobe Russell and Constable Nick Murray who were driving in the four-wheel drive Moree 16 ('MOE 16'). They located the black Toyota Corolla sedan bogged on an unsealed road on the property 'Tarcoola' off the Carnarvon Highway.
66. At 2:31:23, MOE 16 radioed in:
- "We've located that vehicle, at the end of a dirt road. First left after the bridge on the Carnarvon .. Black Toyota Corolla, licence plate is Charlie Yankee 43 Golf Golf. ... That we can see the vehicle, we're just going to quick have a look around now."*
67. In MOE 14, police asked: *"Do we have a dog on channel perhaps - dog 50?"*, meaning that they were inquiring as to whether the search might be assisted by a dog and handler.
68. MOE 14 asked whether the vehicle has been reported stolen and the VKG operator, now able to check the registration, replied: *"Doesn't appear to be. It does have a warning from the 10<sup>th</sup> of March this year; may have drugs secreted in scrunched up rubbish in the vehicle. Coming up as a not reported 2011 Toyota Corolla sedan with a cancelled registration status to Michelle Clark of 11 Blueberry Road Moree address. Expiry was the 15/07/21"*
69. When Constables Russell and Murray conducted a closer examination of the Corolla they saw it was unoccupied. They noticed a pair of black ASICS joggers inside the driver's footwell of the vehicle and two sets of footprints, which Constable Russell followed to see if he could find anyone. As he walked around the front of the vehicle, he noticed a pair of black thongs that were stuck in the mud and footprints heading south towards the river. Constable Murray followed the footprints and Constable Russell followed behind.

### ***Gordon runs from police – the preliminary search***

70. About 10 to 15 metres away from the pump shed, a male person was seen crouching behind a shrub. That male person was Gordon, but Constable Murray had never met him before and, in any event, he was too far away to identify the facial features. Constable Murray said something like: *"Police don't move"*, but Gordon ran from police, jumped over a wire fence, and fell down the embankment into the Gwydir River.

71. Kowhai gave evidence to the inquest that she heard a splash in the water but did not see what made the noise. She thinks she said something like: “*What are you doing Gord?*”, and then she panicked and kept going.<sup>17</sup> A little later, when she was between 10-20 metres away from the river bank, she looked up again and saw police shining a torch on the river and she thought she saw Gordon’s head in the water.
72. In her initial interview with police, Kowhai suggested that she had seen police assaulting Gordon. In her oral evidence, she did not maintain that claim, and there is no other evidence to suggest that police ever caught up with Gordon or assaulted him in any way. Kowhai’s initial claim that Gordon had been assaulted caused a lot of confusion and upset for Gordon’s family. That may have been Kowhai’s genuine suspicion at one point but she had not in fact seen any physical contact between police and Gordon. It is important that she came and gave truthful evidence in this court, to help the family to separate out the rumours from the truth, and I thank both Kowhai and Jabour for giving their evidence, in circumstances that would have been uncomfortable to them.
73. Jabour gave evidence that while he was running from police he heard a splash and he looked back, but it was dark. After that, he could hear yelling and saw torch light on the ground and he assumed police had caught Gordon. He didn’t think that Gordon would drown.<sup>18</sup> Jabour was asked whether he wanted to say anything to Gordon’s family and he said<sup>19</sup>:
- “I’m so sorry. I wasn’t thinking straight at the time. I was panicking, scared, didn’t really know what to do. But wish I’d done things different. I wish I did go and tell youse and tell the police. I’m sorry.”*
74. At the time Gordon ran from police and jumped a fence towards the embankment, Constable Russell heard a faint thump. In his statement, Constable Murray says that he heard a thump as if something had hit the ground and immediately after he heard groans coming from someone. The groans appeared deep in sound and he thought they were from a male. Along with the groans, he said he could hear what sounded like someone was wading through the water, possibly more than one person. At the point where the person fell off the bank there was a lot of displaced grass.
75. At 02:33:32, Constable Russell or Constable Murray told VKG radio: “*One of the young persons has jumped into the river*”. That message was copied by the

---

<sup>17</sup> T533 (26.07.22)

<sup>18</sup> T477-488 (25.07.22)

<sup>19</sup> T496 (25.07.22)

operator at 02:34:39. Two other Police cars, MOE 14 driven by LSC Manusu and MOE 34, driven Constables Abbey Cook and Harley Griffith, headed to the area.

76. Constable Murray negotiated his way along the embankment to about 5 metres from where he saw the male person go over. The police officers searched the bank, with torches as their only source of light.
77. Although all officers should have turned on their Body Worn Video ('BWV'), it is only Constable Murray who did so, and the video and recording gave the Court an idea of the conditions that Gordon and the officers looking for him were dealing with.
78. The conversation captured includes:

*02:35:28: Murray: Yeah. It's, isn't that a cliff face, isn't it? Isn't that a mad cliff face?*

*02:36:07: Murray: Oh, it was probably 20 metres this way*

*02:36:10: Murray: Sounds like he's hurt. He fell pretty bad but. .. hurt himself pretty bad but.*

*02:36:40: Murray: I think he's hurt himself whoever it is hey.*

79. At 02:36:58, the VKG operator put out a message asking Police from MOE 16, "what is going on there with the young person that jumped in the river?" At 02:37:04, MOE 16 replied: "Yeah, we're just walking along the bank now, we're trying to find this person."
80. At 02:37:21, Police in Moree 34 ('MOE 34') radioed: "I'm just coming up on the Carnarvon highway now, does MOE 14 want me anywhere in particular?" MOE 14 replied: "I'm not sure of the escape routes after this road so down here would be fine". That broadcast suggests that Constables Murray and Russell did think it was possible that the person running might have escaped them.
81. Again, the BWV footage of Constable Murray is helpful to understand what was in the minds of the young officers searching. Constables Murray and Russell speculated about what had happened to the person trying to run from them. At one point, Constable Murray says that he has "definitely gone with the current"

and wonders whether he “*swam across*”. He says that he was young and had all his clothes on and expresses surprise that he hasn’t drowned.

82. At one point in the recording, Constable Murray slipped down the bank and into the waters of the Gwydir river, which were very cold at that time of year. He yelled out an expletive and, laughing, said some swear words directed to the person trying to escape them. In hindsight, knowing the tragedy that unfolded, the use of those words by Constable Murray is very regrettable and was understandably distressing to Gordon’s family. It was certainly, as Constable Murray acknowledged, unprofessional, although I accept that Constable Murray meant no malice by it. At that time, Constable Murray had no idea who the person was who had run from police and so he was not intending that it be directed to a particular person. Constable Murray apologised for the use of the term.
83. At 2:41:54, MOE 14 broadcast: “*MOE 141 can just float around on the hwy in case the POI comes out there*”.
84. It was then still clearly within their contemplation at that stage, that the young person they were trying to find might have got away, although they could not have known that was likely.
85. When Constables Hinton, Manusu and Jones heard the radio broadcast that the Corolla had been located, they proceeded along the unsealed road and stopped where the vehicle was. They soon heard the broadcast that someone was in the river. Constables Jones and Hinton climbed under the fence and proceeded towards the flashlights of Constables Russell and Murray who were searching along the river. Constable Hinton could hear the two officers calling out but was unsure of what they were saying.
86. No BWV footage is available from Constables Russell and Hinton but between 2:43:41 and 2:45:38, Constable Murray’s BWV captures some of the conversation between the four officers. That includes the following:

*02:43:41: Murray: I think there's two people but I only saw one. They were coming—*

*02:43:41: Hinton: Did you see where they went?*

*02:43:44: Murray: In the river.*

02:43:45: Hinton: Yeah, right.

02:43:44: Murray: They were, uh, well, one was moaning and groaning as he was swimming away. I think he's hurt himself

02:43:55: Murray: I said Police don't move and he just fuckin (demonstrates verbally) You know like road runner off Looney Tunes, straight down the cliff.

02:44:26: Murray: He was crouching there. Fuck. Right in front of that gum. So I don't know

02:45:01: Murray: But I just find the footprints, little ones, and they sort of deviated where I looked, and there he was. I was like, Fuck. I mean--

02:45:38: Murray: There's a pair of thongs here too somewhere... So there's definitely two of them

87. The conversation between the officers was light-hearted and jovial and the officers continued to search along the river for less than 15 minutes. The fact that police were laughing in this moment, when we now know Gordon was in serious trouble and in desperate need of help, was naturally very distressing to Gordon's family. Police did not know it was Gordon and did not know he was in trouble, but their light-hearted approach is perhaps a reflection of the inexperience of those officers, and of their immaturity, at least on that occasion.
88. Constable Russell also gave evidence that, while down at the riverbank searching, he called out once or twice, words to the effect of "*is there anyone there? Does anyone need help?... Those sorts of words.*"<sup>20</sup>. I cannot be satisfied that those words were said, since they are not captured on BWV. Perhaps they were, or perhaps Constable Russell has constructed a memory that he called that out, because he wishes that he had done. In the end, I cannot decide that fact, but it shows the importance of turning on BWV to capture something as important as a search.
89. Around 02:45:56, all four police officers came back to the car and reported to LSC Manusu what they had seen and heard, while she continued a search of the car. They described the river as running fast with large debris from the recent rain and flooding. Constable Hinton described how she fell over four or

---

<sup>20</sup> T5.361.5 (22 July 2022)

five times because conditions were incredibly slippery and there was some amusement recalling Constable Murray falling in.

90. Again, it is BWV of Constable Murray that provides evidence of some of the conversations that took place.

*02:45:59: Russell: So it's like, the one we saw went in the river somewhere*

*02:46:02: Manusu: How many did you see? Looks like there's two sets of shoes in here? [flashlight pointing to drivers seat]*

*02:46:05: Murray: Um, one*

*02:46:07: Murray: There's uh, female thongs there*

*02:46:11: Murray: There was definitely a bloke who was young, grey jumper*

*02:46:14: Russell: Yeah, groaning a bit so I think he's hurt himself going over the fence.*

*02:46:17: Murray: And down, there's probably what, 8m cliff? Probably straight down that, so*

*02:46:23: Russell: I can't see anyone in the water*

*02:46:25: Murray: We walked, probably for 30m*

*02:46:28: Russell: Both ways.*

*02:46:31: Manusu: You're hoping nobody has – so could they have hurt themselves? Is there water at the bottom of that 8m thing*

*02:56:36: Russell: Yeah, there's water in the river*

*02:46:37: Murray: There was a splash, and there was moaning and groaning for probably a good 2 minutes. So they either swam across or just went down with the current, but it's a pretty strong current, so ..*

*02:46:37: Russell: We went, 30m down the current, didn't see anyone*

*02:47:41: Murray: They seemed very young*

*02:47:43: Russell: Yeah, hey. They did seem younger."*

91. LSC Manusu then informed the team that they had the name of the owner of the car – Michelle Clark – and would go to her home to make a formal demand as to who was driving. At 2:41am, Police in vehicle MOE 14 headed to her home.

92. LSC Manusu gave evidence to the inquest that when she arrived at the river, she was searching for someone at the river, not in the river. She stated:

*“At that point, I had four people searching for someone down at the river. I don’t - at the time I did not recall “in the river”. And I made very clear that I confirmed all the details of what Constable Murray had seen when he returned. He had not seen a male jump into the river, so I confirmed those details, but I had four officers looking for them at that time, to alleviate any concerns - if he was in the river, there was four officers looking for him.”<sup>21</sup>*

93. LSC Manusu did not see the location at which Mr Copeland fell at 2.46am.<sup>22</sup> However, she stated that:

*“If I saw the terrain of the river and there was a suspicion - after I confirmed with Nick - that he’d gone in there, I may have searched for longer. But if I had seen it... it would have cemented with me that he had gotten away because I would not think that someone would have entered that river with what it was like.”<sup>23</sup>*

94. She also explained why she didn’t believe Gordon had fallen into the river. She stated, *“I believed that if someone had hurt themselves to a point that they couldn’t move, then we would have located them in that search. I thought that if someone was injured and left there, or stuck there, that we would have found them in that search that the guys did. But that is why I clarified that he would not have fallen directly into water in fact. He would have fallen onto a bank.”<sup>24</sup>*

95. LSC Manusu was reminded of the BWV which captures a conversation in which she was, in fact, told at one point that the male was in the river. Her evidence was that there was other conversation, not all of which was captured on BWV, which led her to believe that the male had escaped from the bank of the river. She stated:

---

<sup>21</sup> T1.42.5 (18 July 2022)

<sup>22</sup> T1.46.35 (18 July 2022)

<sup>23</sup> T1.47.50 (18 July 2022)

<sup>24</sup> T1.48.10 (18 July 2022)

*"It obviously wasn't an eight metre drop, and I asked about the riverbank at the bottom, and I know how far downstream they searched, and I was convinced from all the information I was given from those constables with my clarifying questions that he had made good his escape, because they had not located him or her.<sup>25</sup> ...No one observed him go into that river, and no one observed him once he had gone over that embankment."<sup>26</sup>*

96. The evidence from the police officers was that, in spite of the slippery conditions, and the sound of the fast-flowing river, they genuinely believed that the occupants of the vehicle had fled on foot. The officers did not, leave the scene for around 13 minutes after the search of the river was concluded and there was obviously more conversation than is captured on BWV.
97. LSC Manusu suspected there were at least two people in the car, or possibly three, based on the shoes in the car. She stated, *"I saw a pair of shoes in the footwell - black Asics in the driver's footwell. I saw a pair of tan - what looked like work boots - in the passenger's footwell of the car. I saw a pair of thongs - what looked like female thongs - stuck in the mud at the front of the vehicle. My suspicions were minimum two, but possibly three ... [Based on] the amount of - yeah, the physical evidence which was the shoes in the car, and the thongs stuck at the front. That was all I had based those suspicions on then. ...And when I got the registration of the vehicle back and it was confirmed that it was registered to Michelle Clark, I made a very quick assumption because I know that family - that it was Jabour and Kowhai in the car. So that was that, plus the shoes ...[so] I believed that it was those two. And possibly a third, because of the shoes."<sup>27</sup>*
98. LSC Manusu and the other officers in MOE 14, 16 and 34 all changed their status from on scene to "back on available" at 3:03:49. All police returned to Moree Police Station at about 3.10am.

### ***Was the initial search by the riverbank reasonable?***

99. Piecing together what we know of the evidence and listening to the conversation captured on the BWV of Constable Murray, it does not seem reasonable to think that the person who had been seen running from police had managed to swim to safety, run to shelter or hide.

---

<sup>25</sup> T1.51.5 (18 July 2022)

<sup>26</sup> T1.49.5 (18 July 2022)

<sup>27</sup> T1.42.20—40 (18 July 2022)



100. The objective facts, as we now understand them were:

- a) It had been raining heavily;
- b) The banks were extremely slippery (as the police found out when they walked the area);
- c) Constables Murray and Russell thought the person had fallen some metres down the embankment and had injured himself;
- d) If the person was injured, that would affect his ability to swim or run;
- e) The water could be heard flowing fast.

101. However, I do accept that police mistakenly believed that he had escaped. I accept that at the time the officers left the river to head back to the station, they were not aware that any person was in fact left behind beside or in the river. They would not have been so callous as to leave a young person stuck on the bank. That would not fit with my observations of the witnesses I had in Court giving evidence and it is not consistent with the significant efforts police made to search for a male person after 4am, once Constables Russell and Murray had gone back and seen someone in the water.

102. However, it appears that there was, as Counsel Assisting put it, some “group thinking” going on, which meant officers did not stop to critically think through each of the risk factors, and what that meant for the safety of the person they were looking for. In addition to the “group think”, a number of factors may have been at play. *First*, none of the officers was very familiar with the area, and they had not seen the Gwydir river in flood; *second*, the officers did not get close enough to the river bank to notice just how fast it was flowing; *third*, Gordon did not call out for help, as they expected he would have if he was in jeopardy, and *fourth*, when the young constables came back to the car to report to LSC Manusu, they were laughing and joking with each other, and their failure to appreciate the gravity of the situation affected LSC Manusu. Finally, I have already noted that the four police who actually did the searching were very inexperienced. LSC Manusu, who was more experienced, thought the young officers had been looking for longer than they actually had done, and she did not see the river conditions herself.

103. There is no doubt that, in hindsight, the police should have done more critical thinking and they should have been much more focused on the safety of the person that had fled. The police search by the river lasted approximately 10 minutes and that was far too short a period of time. Police were too focused on the idea of catching someone who had fled from police, rather than doing a risk analysis to work out whether that person was in danger.

104. Understandably, it is extremely painful for the family that the entire time that police were beside the river, Gordon was alive, in pain and in need of help. Police could and should have focused on the possible risk to the young person who had fled, and then asked for more resources to search along the river bank until they could satisfy themselves properly as to whether that person was safe.

### ***Concessions made by NSWPF about the initial search***

105. The mistakes made at this point were critical. I was impressed by the police officers who reflected on this and were candid with the Court about mistakes that were made.
106. Constable Kobe Russell gave evidence that LSC Manusu's belief that the occupants of the Corolla had escaped without being in the river wasn't formed through any discussion. He stated, "*that was just based on us presenting the way we, we had, back at the vehicle.*"<sup>28</sup> He agreed that they should have spent a longer period of time searching, and that there should have been a greater focus on the welfare of a person possibly in the water.<sup>29</sup>
107. Constable Murray accepted that he should have acted more professionally. He said the laughing between him and Constable Russell that could be heard on the BWV is a coping mechanism. "*There was no malice directed to anybody. It was a bad situation for anyone to be in.*" He said, "*I was trying my best to do what I could at the time. It was just me being frustrated... At the time, we just didn't know the severity of the situation.*" He acknowledged that it could come across as him being jovial and not suggesting to LSC Manusu, when they got back to the car, just how serious the situation was.<sup>30</sup>
108. LSC Manusu agreed that she should have inspected the site herself, stating, "*I should have gone down there myself. I acknowledge that. I would do that differently if I could.*"<sup>31</sup> LSC Manusu accepted that she was the senior officer there and needed to demonstrate leadership for the younger officers. I do not doubt that she has is capable of being a clear and good decision maker and she was very distressed that they were not able to save Gordon. I have no doubt that she has reflected carefully on this case and will carry the lessons of it throughout her career.

---

<sup>28</sup> T5.338.45 (22 July 2022)

<sup>29</sup> T9.17.35 (28 July 2022)

<sup>30</sup> T9.17.5—20 (28 July 2022)

<sup>31</sup> T1.48.25 (18 July 2022)

### ***First contact between police and Michelle Lahood/Clark***

109. At approximately 2:49am, on the instructions of LSC Manusu, Constables Cook and Griffith left their position on the Carnarvon Highway and attended upon Michelle Lahood's house to speak with her, as the registered owner of the Corolla.
110. The interaction with Michelle is captured on the Constables' BWV cameras, which were activated at 3:07am and 3:08am respectively. In brief, Michelle told police she had not seen her car for 2 to 3 weeks. Michelle nominated a Janelle Morley as someone who might know where the vehicle may be.

### ***Constables Murray and Russell return to the scene around 3.45am***

111. As for the officers who had been at the scene by the river, what happened back at the station was the source of some contention in the inquest.
112. LSC Manusu gave evidence that they had been back for a short time when they started discussing the Corolla. She directed Constables Murray and Russell to return to the vehicle and collect the two pairs of shoes found in the car for forensic analysis - that was the black joggers and the work boots – in the event that Michelle Lahood reported the vehicle stolen. That evidence was consistent with the evidence of Constables Murray and Russell.<sup>32</sup>
113. The confusion arose because in her written and oral evidence, Constable Smidt-Geering, who was on shift at the station, told the Court that she was listening to the officers talking about what had happened when they came back from the river. Her memory is that Constable Murray was explaining that he heard moaning for some period of time and LSC Manusu said words to the effect of, *"Well, go back and check on that person and call out to them and say, 'You're not in trouble. We're just here to help.'"*
114. In these circumstances, the accounts of Constables Manusu, Russell and Murray on the one hand and Smidt-Geering on the other are impossible to reconcile. I am satisfied that all the involved officers are trying to assist the Court with their genuine recall of events, but someone's memory is incorrect.
115. For a number of reasons set out below, it is more likely that the memory of LSC Manusu, and Constables Murray and Russell is the correct one. *First*, at about 7.30am on 11 July 2021, Superintendent Laksa recorded what LSC Manusu had told him, which is that Police had gone back a second time to collect the

---

<sup>32</sup> T5.364.35 (22 July 2022)

shoes. *Second*, that is consistent with the COPS entry made about 10.30am by LCS Manusu and Constable Russell. *Third*, it is also consistent with a statement of Constable Murray on 11 July 2021, the statement of Constable Russell on 12 July and the interviews of Constable Murray, Russell and Manusu. *Fourth*, when Constables Murray and Russell got back to the scene, they did not immediately go down to the river, but spent time collecting forensic exhibits from the car. Consistent with that, Constables Russell and Murray took photographs of the shoes. *Fifth*, I don't accept that there is a motive for police to lie about this issue. Arguably, it would look better for them if they had been at the station for a short time and then thought to return to the scene to check that the male person was not still in danger.

116. Constables Murray and Russell estimate that they returned to the scene around 3.45am. They examined the property contained inside the vehicle and took photos of the thongs stuck in the mud. No BWV camera was activated by either officer during their second attendance at the river. Constable Murray gave evidence that they collected evidence for about five to seven minutes, before hearing a noise.<sup>33</sup>

### ***Gordon is sited in the water***

117. After hearing the unusual noise, the two officers walked towards the river to look again. As they got closer to the river the noise became louder, and Constable Russell described it as a deep groan. Both officers then ran 30-40 metres south along the levee bank of the farm (Tarcoola), with the rain and mud making the surface difficult to run through. They stopped at a location approximately 4 metres above the water line where there was a large number of logs, trees and debris between the police and the waterline, and the river was flowing rapidly.
118. Constable Murray gave evidence that they followed the noise and became aware that it sounded like a human, at the time his thoughts were, "*That's when I told Kobes – Constable Russell, sorry – to give Crystal a call, that we were hearing something or somebody in the river that could be the person we were looking for.*"<sup>34</sup> Constable Russell checked his phone records and then informed the Court that he had called LSC Manusu at 3.50am for one minute and 17 seconds to advise her that there may be someone in the water, and then he broadcast the same message via radio to other cars to get assistance. The VKG captures MOE 16 notifying radio at 3:51:25am that they had located one male in the water.

---

<sup>33</sup> T4.247.25–40 (21 July 2022)

<sup>34</sup> T4.248.20 (21 July 2022)

119. Constable Murray accepted that this was an emergency situation, but explained that he called LSC Manusu first for instructions, instead of radioing to get resources.<sup>35</sup> He stated, "*I wanted to clarify with the supervisor first as to what to do and then I notified as soon as I got off there to get the other cars to make their way.*"<sup>36</sup> When asked about this decision, he explained, "*I believe a minute, a minute and a half that - between me going to the river at 3.50 and making the broadcast, a minute, a minute 30 wouldn't have made too much of a difference in the car's timing when I could get clarification first. ...At that stage I hadn't actually sighted anyone in the water; I could just hear the noise and that's why I wanted to speak to the supervisor.*"<sup>37</sup>
120. The only form of lighting the officers had were torches. Constables Murray and Russell gave evidence that they called out things like: "*Mate, you're not in trouble, we're here to help*" and "*Make a noise, let us know where you are*". There was no reply.
121. After what he perceived to be around 15 to 20 minutes of calling out, Constable Murray pointed to a person in the water and said: "*that's him*". Constable Russell then looked in that direction and saw the head of a male. Constable Murray saw that he was of Aboriginal appearance with dark hair, but that was the only part of the male he could observe. The officers began yelling to the male to swim towards them. They shone their torches on the person and heard him make a noise, that sounded like grunting.
122. The Constables were on a ledge or embankment approximately 3 metres above the river. Constable Murray saw that logs and debris had washed up in front of them which made it difficult to get to the river. Constable Murray said something like: "*Mate can you swim this way*". Gordon looked towards the officers and he looked scared. He attempted to swim towards the bank Constable Murray was standing on but he was struggling and with every movement he made he was grunting. He appeared to be in a lot of pain and was obviously finding it difficult to stay afloat. Constable Murray told the Court: "*I was very concerned, no if's or but's, he was in the water for a good period of time, it was cold, he was possibly injured. There was a lot of concern.*"<sup>38</sup>
123. Constable Murray gave evidence that he yelled out: "*Mate if you can't swim this way, grab a branch and I'll come in and get you*". Gordon then turned around and started heading back to the larger island located in the middle of the river,

---

<sup>35</sup> T5.344.40 (22 July 2022)

<sup>36</sup> T5.344.45 (22 July 2022)

<sup>37</sup> T5.345.5—10 (22 July 2022)

<sup>38</sup> T4.250.45 (21 July 2022)

which was between one and two meters off the island. Gordon was attempting to follow Constable Murray's directions, but the position a few metres off the island was in the strongest part of the current and it was too strong for him. Gordon disappeared around a bend in the river.

124. Constable Murray kept his light focused on the person in the water, while Constable Russell tried to go towards him. He stated, "*I had my light on him. Constable Russell then proceeded to go downstream to see if we could meet up with the person – at that time I thought one person had a light on him just to make sure we knew where he was, and another person can go. And there was no conversation, it was just a unanimous decision, what happened at the time.*"<sup>39</sup> Constable Murray saw the male in the water move with the current, and that he was not able to swim against the current. He had view of the male for probably 15 seconds.<sup>40</sup>
125. Constable Russell's plan upon approaching the water's edge was to enter the river, but he decided not to when he could no longer see the person.<sup>41</sup> He did not think that he would have been able to get to Gordon if he had entered the water and because of the current and debris it was exceptionally dangerous.<sup>42</sup>
126. At 4:06am, the officers broadcast again on the VKG that they'd lost sight of the male in the westerly currents and were trying to locate him.

### **The second search for the male person (Gordon) continued – other police arrive back on scene**

127. Constables Russell and Murray continued to search along and beside the riverbank.
128. On receiving the call from Constables Murray and Russell that they had located a male in the water, LSC Manusu immediately returned to the location with Constable Hinton in a four-wheel drive vehicle. She clarified the location of Constables Murray and Russell and started searching along the river with Constable Hinton. After a briefing from Constable Murray, she called the on-call duty officer Inspector Matthew Harmer of Armidale Police<sup>43</sup>, who agreed to call for additional search resources, which included the State Emergency Service (SES), NSW Fire and Rescue and Rural Fire Service<sup>44</sup>.

---

<sup>39</sup> T4.251.5 (21 July 2022)

<sup>40</sup> T4.251.30—40 (21 July 2022)

<sup>41</sup> T5.365.15—20 (22 July 2022)

<sup>42</sup> T5.365.30 (22 July 2022)

<sup>43</sup> T1.52.35—40

<sup>44</sup> T1.55.5—20

129. LSC Manus explained her plan as follows:

*“I got onto radio and I asked them to let me know when the resources arrived so I could direct them to the areas in which I wanted them to start searching. And I rang Constable Griffith, Probationary Constable Cook, and I requested they reattend Michelle Clark’s address, and I used the word “plead” with her to tell us who was in that vehicle, that no one would be in trouble, but please tell us who was in that vehicle cause now it could be a matter of life and death. And we just wanted to know that everyone was out of that river and safe.”<sup>45</sup>*

130. Constable Hinton observed in her statement that services to assist with the search began to arrive,<sup>46</sup> but that the SES found it impossible to find a location to launch the boat because of the conditions and the effects from the recent flooding, and so she relocated the boat to a different area and assisted with the launch.<sup>47</sup>

131. LSC Manus coordinated the emergency services once they arrived. She told them where she needed them and tried to have everybody in different sections of the river so that searchers could saturate the full area.<sup>48</sup>

132. At 4:06 am, Constables Cook and Griffith in MOE 141 told radio that they would go down to the south side of the river and walk toward the river. They both activated their BWV cameras at 4:11am. Police searched the back of the premises which backs onto the river, and while doing that Constable Cook could hear Constable Russell calling out: *“Are you there? It’s Police. Can you hear me?”*

133. Constables Murray and Russell walked along the river until approximately 5.30am or 5.45am when they assisted the SES to launch their vessel. Constable Murray believes they would have searched along the river for about 2 hours. During the search he found two sets of footprints and tracks similar to a quad bike, and he formed the opinion that there may have been 3 people in the car.

---

<sup>45</sup> T1.55.25—30

<sup>46</sup> T3.175.50 (20 July 2022)

<sup>47</sup> T3.176.20 (20 July 2022)

<sup>48</sup> T1.55.40

## **Second contact between Police and Michelle Lahood/ aka Clark**

134. At 4.52am on Saturday 10 July 2021, Constables Cook and Griffith returned to the home of Michelle Lahood to try again to get information about the driver of the vehicle, explaining that someone may still be in the river and they were not there to get anyone in trouble. Again, Michele said that she could not assist.
135. Whilst they were at Michelle's house, a 4WD driven by Michelle's mother, Alison Lahood, arrived in the driveway. Unbeknown to Police, Jabour was in the back of that car, and he managed to exit the vehicle and go to the back of the house without being seen.
136. Constable Griffith gave evidence in his interview that he spoke with Michelle Lahood's mother, Allison Lahood. He stated, *"I approached the four-wheel drive, and there was an older lady who I believe was the mother of - to Michelle Clark. I can't recall her name. I asked her more or less 'What are you doing?' And she goes, 'I just dropped Jabour Clark off'. Um, from what I understand, Jabour Clark is the son of Michelle. Prior to getting to that address, I didn't - I assume - I didn't assume, I guessed Jabour might have had some involvement with this because he's always had an involvement with everything."*<sup>49</sup>
137. Constable Griffith gave evidence that he looked in the car for signs of water or mud. He stated, *"I got my torch out and I started looking in the car in the passenger seat, in the back seats and I couldn't find any signs of wet seating or mud or anything."*<sup>50</sup>
138. Constable Abbey Cook also saw that a female was in the vehicle parked in the driveway at Michelle Clark's house. She stated, *"when we pulled up to that address, there was a vehicle parked in the driveway. The interior light was on, so if you watched a bit further, at the start of my body-worn, you'd see Constable Griffith walk over to that vehicle, then I've walked up to the front dwelling of Michelle's to try and raise her, and then Constable Griffith is going to talk to that female in the vehicle."*<sup>51</sup>
139. Jabour Clark gave evidence to the inquest that the police attending Michelle Clark's home did not sight him. He agreed that he was trying to hide from them, and stated, *"I ran around the back of the house."*<sup>52</sup>

---

<sup>49</sup> T6.454.50 (25 July 2022)

<sup>50</sup> T6.455.25 (25 July 2022)

<sup>51</sup> T5.428.40 (22 July 2022)

<sup>52</sup> T6.479.5 (25 July 2022)



140. Officer Griffith made appropriate concessions about the failure of investigation at this time and that he should have done more to track down Jabour. He gave evidence that he thought the person they were looking for had escaped police and he was trying to find out whether or not Jabour, who was in the car, had been in the river. He agreed that he should have pushed Michelle Clarke and made further attempts to try and speak to Jabour, to see whether he would have assisted. I appreciate the concession made by Constable Griffith and I understand that the situation was a confusing one.

***Inspector Helen McWilliam took over coordination of the second search, which concluded at 11.35am on 10 July 2022***

141. At 6.28am on Saturday morning, Inspector Helen McWilliam received a phone call from Acting Inspector Matthew Harmer asking her to go in to coordinate a search at the Gwydir River, because someone might be in the river. Inspector McWilliam then called Detective Senior Constable Brad Beddoes (“DSC Beddoes”) who was on duty and at Moree Police Station to ask him what he knew. He said that he only knew what he had been told that morning. Inspector McWilliam asked him to find out more, because there were a few different versions of what exactly had happened, and they needed to find out who was in the vehicle.
142. By 6.30am, there were 10 to 12 police officers, NSW Fire and Rescue, Rural Fire Service and SES personnel all searching along the river.
143. Soon after his briefing, DSC Beddoes went to the home of Michelle Lahood, told her what had happened the night before and that police just needed to know who was in the vehicle and were not intending to arrest anyone for traffic matters. Michelle told DSC Beddoes that she didn’t know where Jabour was now, but he and Kowhai had come home in the early hours of the morning with her mother Alison and they had a shower and left. Michelle told DSC Beddoes that there was a spare set of keys at another person’s house and the someone must have taken them to steal the car, but DSC Beddoes did not believe her.
144. Michelle kept saying that she did not believe anyone was in the river, and she promised to bring Jabour to the police station in 20 minutes. Michelle did not keep that promise. At 9am, DSC Beddoes went to the Lahood family home and while there, Michelle and her mother Alison arrived. Michelle claimed to have spoken to Jabour, who said he had not been in the vehicle. Alison Lahood told DSC Beddoes that Jabour had not been wet when she dropped him home in the early hours of the morning.

145. DSC Beddoes gave evidence that, based on the inquiries he made, he suspected the male being sought was Jabour, and that there were only two people in the Corolla – Jabour and Kowhai, and both these persons had been sighted by Michelle Lahood. He did not think that there was anyone missing in the Gwydir river. DSC Beddoes acknowledged that he did not substantiate this by speaking directly to Jabour.<sup>53</sup>
146. Around 8.30am, Inspector McWilliam travelled to the yard of a property at 297 Carnarvon Highway, Yarraman, which sits on the bank of the Gwydir River and is the closest property to the Pioneer Bridge. On site she saw an Rural Fire Service truck and an SES vehicle, as well as a caged police vehicle. She spoke to LSC Manusu and established that the SES boat was in the water and had started a search of the river. Constable Russell was in the boat with an SES crew to show them the location at which he last saw the person in the water.
147. Constable Russell came back to shore as Inspector McWilliam was arriving. Inspector McWilliam advised LSC Manusu that although she was tired, she had to provide a version of what had happened and until they could account for everyone they would need to continue searching. Both officers Manusu and Russell then provided an account to Inspector McWilliam, which she wrote down. Significantly, her notes record being told that from the shoes in the car, officers Manusu and Russell assumed that 3 people had been in the vehicle. LSC Manusu remained at the location until she was relieved by Inspector McWilliam at 9.30am.<sup>54</sup>
148. LSC Manusu provided a verbal handover to Inspector McWilliam, alongside Constable Russell. She stated:

*“I told her - I told her about the initial following the vehicle, the vehicle being abandoned, the initial attendance at the river, my reasons why I assumed that - why I suspected that the male had escaped, what was said to me upon return and sighting of a person in the river. And then I had Kobe stand with me to recite the details of the river and further down, because he was the one that 50 was there and I wasn't there. So me and Kobe gave any information that I didn't have from the river itself, as - as far as how far he went down and - and those details. I had Kobe there to tell her those details, but I told her everything I had; my concerns, my suspicions that it was in fact Jabour and Kowhai, because - just based on my intelligence and - I mean, my intelligence on the vehicle -*

---

<sup>53</sup> T9.24.5 (28 July 2022)

<sup>54</sup> T1.56.10

*and that I know that family, so I assumed that it was those two, but I - I - I told her Michelle Clark's answers to our questions when I sent Harley down there. And I told her that I assumed that there - I suspected that there was three people in that vehicle, not just Jabour and Kowhai, but I couldn't confirm any of those details."*<sup>55</sup>

149. Inspector McWilliam took notes about this conversation. LSC Manusu did not complete an end of shift report in writing for her night shift on 9 – 10 July 2021. She stated, *"The end of shift report is to tell the – the sergeant that's coming on shift all the details of what's happened the night before, which I had explained to Ma'am [Inspector McWilliam] and I had put in the event."*
150. At 9.04am, Inspector McWilliam advised police radio that she had set up a Command Post in the driveway of 297 Carnarvon Highway. Search efforts at that stage included an SES boat and a police dog. At 9.52am, DSC Beddoes attended the Command Post and informed Inspector McWilliam that he had not yet been able to confirm who was in the vehicle.
151. Until she was told to stop, Inspector McWilliam was coordinating a full-scale search in the morning of 10 July 2021, and she kept A/Inspector Harmer and Superintendent Laksa informed of the progress. Sergeant Daniel Cooper was assigned as the Land Search and Rescue ('LANSAR') to co-ordinate the search and the site controller was Acting Inspector Ross Chillcott.
152. Inspector McWilliam was in contact with the LANSAR, Sergeant Cooper, via phone and he was making arrangements to attend. Around 10.07am, she spoke with A/Inspector Harmer as to whether or not he had advised PolAir (Aviation command which provides aerial support to police in NSW) and the Police Divers of the job and he indicated that he had been in touch with Detective A/Inspector Robert Bevern who was the on call Western Region contact, in relation to resources.
153. Around 10.48am, Senior Constable Paul Etches from the Sydney Water Police left a message for Inspector McWilliam to contact him. At 11.31am, Shayne Walton from the Diving Unit left a message wanting information about the conditions of the river. A request was made by A/Inspector Harmer for air support. At 11.28am the CAD job indicates: *"PolAir supervisor monitoring, awaiting updates relating to LANSAR, Inspector McWilliam spoken to"*.

### **The 10 July 2021 search is called off**

---

<sup>55</sup> T1.56.45—50; T1.57.5

154. I have outlined above that DSC Beddoes visited Michelle Clarke’s home to enquire about Jabour’s whereabouts.<sup>56</sup> DSC Beddoes did not speak directly to Jabour on 10 July 2021. Neither did they speak to police officers Murray, Russell, Cook, Griffith, Manus, Hinton or Jones<sup>57</sup>
155. Detective Sergeant Ryan, the investigation supervisor attached to Moree Detectives with the New England Police District, relied on both information that was covert and information provided by DSC Beddoes to confirm the identity of the persons in the Corolla and whether they were accounted for.<sup>58</sup> On that basis he explained to Superintendent Laksa that he was satisfied there were only two people in the car, and based on that information the search was called off.<sup>59</sup>
156. DS Ryan gave evidence in the inquest and agreed that he should have spoken directly to Constables Murray and Russell.<sup>60</sup>
157. At about 11.35am, DS Ryan called Inspector McWilliam and told her that “*the dogs could be called off*”. He said that DSC Beddoes had information that there were only two people in the car that morning and they had both been accounted for. DS Ryan told her about a police operation, Strike Force Payphone, and said that information obtained during this police operation had led them to that conclusion. From her conversation with DS Ryan, Inspector McWilliam was satisfied that all occupants of the vehicle were accounted for, and the search was called off.
158. Superintendent Laksa gave evidence about his thought process in calling off the search. He stated,

*“So when I spoke to Helen McWilliam, my thought process was if we continue to search here, if we continue to use all these resources – which is fine – all the resources which had been deployed, and quite rightly deployed; I said to Helen, who -who are we - we need to ask ourselves a critical question. And the critical question is who are we searching for? And we pondered that question for a while. Well who - is there anyone else? Is there any other information that there might be someone else in the car? And the answer was ultimately no ...*

*So there was no inconvenience to leave the search continue, but I – I was very conscious that at a certain point, I’ve my region commander or*

---

<sup>56</sup> T8.624.35 (27 July 2022)

<sup>57</sup> Tab 31A – Supplementary Statement of DSC Beddoes,

<sup>58</sup> T7.604.5 (26 July 2022)

<sup>59</sup> T7.604.25 (26 July 2022)

<sup>60</sup> T7.607.10 (26 July 2022)

*the scarce resource coordinator or the commanders of those units, who would say, who are we searching for? And I couldn't tell them who we're searching for. And it wasn't that there was an unknown person or a person we hadn't accounted for.*

*There just was no other person to search for.”<sup>61</sup>*

159. It is clear that by this time, tragically, Gordon had already passed away since he is likely to have drowned within minutes of last being seen around 4am. Although it would not have changed that devastating outcome for Gordon, calling off the search was still a very significant mistake. As I set out further in these findings, it led to the fraught discussions between police and family that night and in the early hours of the next morning, adding to their pain and anxiety and it has had a corrosive impact on the relationship between some Aboriginal families in Moree and the NSWPF that will take a long time to heal.
160. In hindsight, it is obvious that there was a significant communication breakdown between the outgoing night shift who had direct information about the person in the river.
161. Constable Murray gave evidence in his unsigned statement and directed interview that he thought the young male person he sighted in the initial search before 3.00am was Aboriginal.<sup>62</sup> Concerningly, he did not communicate this at the time he went off duty on 10 July 2021.
162. LSC Manusu gave evidence to the inquest that Constable Murray did not discuss the person's ethnicity with her, stating: *“There was no talk of the ethnicity of the person. The information I got was, I only know it's male. They couldn't identify him at all, any further than that, was the information that I got because it was so quick.”<sup>63</sup>* If LSC Manusu had been told, at the time of the first search, that the male Constable Murray sighted was Aboriginal, she would have known that it was not Jabour, because she knew that he was not Aboriginal. She stated, *“If Nick was sure that he was Aboriginal, that information, only because of my suspicions that Jabour was the driver, that would have increased my suspicions that there were three people [in the Corolla].”<sup>64</sup>*
163. Superintendent Laksa agreed that Constable Murray's statement, including the description of Gordon as Aboriginal and the account of how he disappeared

---

<sup>61</sup> T8.677.15—40 (27 July 2022)

<sup>62</sup> Tab 27, Statement of Constable Murray, [10]

<sup>63</sup> T2.71.45 (19 July 2022)

<sup>64</sup> T2.72.40 (19 July 2022)

from view, had been given to him at the time, the search would have continued. He stated:

*“I would say yes [the search is likely to have continued]. The only thing I’d say with that though is, I made that request for that statement on Sunday night, probably 6 or 7 o’clock at night, and I believe that he provided the statement after a 12-hour shift. So I don’t know if it took him 12 hours to do that statement, but we probably didn’t have 12 hours to sit there and wait for him to do a statement to tell us, and that’s the reality of getting that information.”<sup>65</sup>*

164. The communication breakdown at this point cannot just be sheeted home to police. It is a great shame that Michelle Clarke lied to police when they came asking for information. Police officers stated that no-one was in trouble and the main concern was for the safety of someone who was missing. I appreciate that Jabour and Kowhai have had difficult relationships with the police, but it would have greatly assisted police, and Gordon’s family, if they had come forward earlier. To Kowhai’s credit, she did eventually tell her mother on the night of 10 July 2021 and the information she and her mother provided to police on 11 July 2021 led to the resumption of the search.

### **Gordon’s family report him missing to police on 11 July 2022**

165. LSC Manusu was rostered on shift again at 8.30pm on Saturday 10 July 2021. On commencing her shift she was advised by the day supervisor, Sergeant Bell, that everyone from the river had been accounted for, although she was not given any information about who was in the Corolla. LSC Manusu reviewed the computer updates for the incident and was surprised to learn that there was no information concerning the occupants of the vehicle. The police report had not been updated and LSC Manusu believed that the detectives had taken carriage of the matter. Constable Murray was on shift from 6pm to 6am on 10 July 2021, and when he arrived, LSC Manusu advised him that the detectives had taken carriage of the matter and all occupants in the vehicle had been accounted for.
166. Narelle Copeland, Gordon’s mother, was in Lismore assisting her own mother, Gordon’s grandmother. During the day on 10 July 2021, she was told by family that Gordon was missing and when she tried to contact him, she did not get any reply.

---

<sup>65</sup> T8.680.45 (27 July 2022)

167. Sometime between 7.30pm and 9pm that evening, Constable Cook received a phone call from Narelle asking if her son Gordon Copeland was in custody. At around 9pm, LSC Manusu was advised by Constable Cook that Narelle Copeland wanted to report her son, Gordon, as missing and that Narelle was in Lismore. LSC Manusu did not make the connection with the search for the male at the river on the previous shift and she said to Constable Cook words to the effect of: *“Well she can attend Lismore police station or someone else can attend the station to make the report on her behalf.”*<sup>66</sup>
168. Through the afternoon and evening of 10 July 2021, Gordon’s family and friends were worried about him and making calls to try to find out where he was. There were rumours about him having been with Jabour and Kowhai in a car and it must have been very stressful and frustrating to try to find answers. They knew Gordon and knew that he would not just leave town and not make contact with Josephine and his family.
169. Jacinta Copeland, Gordon’s aunty, spoke with Amanda Roberts, Kowhai’s mother, who told her that Gordon had been in the car and had fallen into the river. At around 1.30am on 11 July 2021, Lesley, Jacinta and Josephine went to the river to look for Gordon and when they couldn’t see him, they drove to the Police station for help.
170. The first police officer Jacinta spoke to was Constable Abbey Cook. Jacinta told her about the stories they had heard that Gordon was always in contact and that it was very unusual for them not to hear from him. They wanted to fill out a missing person’s report but Constable Cook told them that his mother should do that, and since Narelle was in Lismore, she should go into the police station there. As a result, Bianca contacted Narelle and at about 2.40am on 11 July 2021, Narelle attended Lismore Police Station to make the missing person’s report.
171. It is completely inappropriate that the Copeland family did not get more urgent help and more respect when they went to the police station to report Gordon missing in these circumstances.
172. *First*, clearly Narelle did not have to attend the station in Lismore and there was a miscommunication between her and the officers, probably because the police were busy and there was not sufficient care taken to listen to the account Narelle had to give. Narelle did not leave Lismore Police station until around

---

<sup>66</sup> T1.59.40 (18 July 2022)

4am that morning and that must have been a stressful and frustrating time for her as she tried to navigate the system to make the report.

173. *Second*, with just a little more care and attention to what Jacinta, Lesley and Josephine were saying, the police would likely have got a full account that would have allowed them to put the missing pieces together and accept for themselves that there was enough evidence to justify re-instigating the search. One option was for the officers to go to visit Amanda Roberts with Jacinta so that they could hear the story from her directly. There had been a fundamental breakdown in communication between the police officers on shift since Gordon went missing and his family were able to provide a bridge to that information.
174. In the event, it is clear to me that LSC Manusu did actually accept that there was cause for concern, and she did, in fact, take action to investigate further and try to help. She struck me as a good investigator and someone who cares about the community. The problem was a failure to adequately communicate her concern to Gordon's family.
175. LSC Manusu saw the family there and went out to speak with them. She told the Court:

*"I could see that Abbey was out there with a large number of people, so I went out there to see if everything was okay. I – I realise then it was the Copeland family, who were understandably upset and concerned about Gordon Copeland's whereabouts. They were saying "Gordon's in the river," "Why aren't you searching the river?" I – that - that – I had no idea the link between the river and Gordon Copeland, and I tried to clarify with them: please tell me why you think Gordon is in the river and what information you have to say that, because I said the search was called off today because everyone has been accounted for. So, if you have information, I need to know what information you have.*

*Again, they were upset, understandably. But I ended up getting a piece of information that made me believe that there is a possible link between Gordon Copeland and Jabour Clark and Kowhai Roberts. ...I don't remember who said it to me. I believe it was an elder - Lloyd senior. He said, or someone said to me, at the front counter while I was there, that Jamelie Lahood - whom I know is the manager of the tavern - saw Gordon Copeland with Jabour and Kowhai the previous night, in which that incident occurred. It raised concerns to me as he could've been that third person in the river, but this was all second-hand hearsay information. So I called a senior officer that I knew was present for the*



*day's search. A detective. And I rang him up and I asked him please tell me what we know about the search; who was in the car. I've got no information. I told him the Copeland family was in here and they are saying that he is in the river and I don't have anything to tell them to alleviate these concerns. The detective wasn't able to tell me much information, and he said you need to talk to Michelle Clark.*"<sup>67</sup>

176. As a result of the family's concerns, at 2.44am, LSC Manusu called DSC Beddoes and told him that Gordon's family was worried he was missing, and she wanted further information about why the search had been called off. LSC Manusu described her frustration at not being given any information by DSC Beddoes. She stated, *"I understand that the detectives are bound by certain things that no one else is allowed to have access to, I understand that. But a little bit more information would have helped me a lot, and I think I could have – I could have escalated that a lot faster had I had any more information."*<sup>68</sup>
177. DSC Beddoes informed LSC Manusu that he could not disclose where he got the information, but he had good reason to believe that Kowhai Roberts and Jabour Clark were the only occupants of the vehicle and they had been accounted for.
178. I was impressed that LSC Manusu took the concerns seriously enough to contact DSC Beddoes in the early hours of the morning and I accept her evidence that she genuinely believed the family had good cause for concern. Unfortunately, she had little choice but to accept what DSC Beddoes told her about his "intel". It is a shame that she did not pass on to the family that she had woken DSC Beddoes at 2.44am and was taking their concerns seriously. She clearly did give their information weight and tasked her team to undertake their own further inquiries, but it appears that she did not adequately convey her concern to the family.
179. LSC Manusu tasked the car crews to make inquiries across Moree to locate Gordon. At the conclusion of the shift, she spoke with the incoming supervisor, Sergeant Trow, concerning the information provided by the Copeland family and DSC Beddoes.
180. LSC Manusu gave evidence that she talked to the owner of the car, Michelle Clark, about who was in the vehicle. She stated, *"I spoke to her out the front and I said you really need to tell us who was in that vehicle, or who was driving*

---

<sup>67</sup> T1.61.20—50 (18 July 2022)

<sup>68</sup> T1.65.45 (18 July 2022)

*the vehicle.... got no information from Michelle to substantiate any of this. She just said she didn't know, and she couldn't help.*<sup>69</sup>

181. LSC Manusu also stated, *"I asked – I asked Harley again to attend Jamelie Lahood's address, which I believe was 1 Mungindi Road, to confirm or deny that she had seen them together, so I could make a link between them."*<sup>70</sup> LSC Manusu explained that she also coordinated a search for Gordon at addresses he had been linked to, stating: *"I sent my car crews out. I only had – I think at that point – two car – two car crews. I sent them to every location. I looked up every location on the system that I could link Gordon Copeland to. If he had ever been seen at an address, bailed to an address, or lived at any address. I sent them to all those places. I sent them back to Amanda Roberts' house. Anywhere that Kowhai has ever been or located at. Anywhere that Jabour has ever been or located at. So I could possibly find out from anyone who was in that vehicle, or the whereabouts of Gordon Copeland."*<sup>71</sup>
182. Constable Joshua Jones gave evidence to the Court that he went to Gordon's father's home, Kowhai's mother's home, and Amanda Roberts' home, and that the latter was not helpful to police at that time, in terms of ascertaining whether there was a third person in the car.<sup>72</sup>
183. LSC Manusu explained why she did not restart the search at the river at that time, stating, *"The search was called off at midday. It was broad daylight, and no one was located at the river. Until I could substantiate anything else, I didn't believe the conditions in which we tried to search the night before were going to – I didn't think we were going to find anyone in this exact same conditions; in the pitch black of night, with less people and less resources. And again, I couldn't link him to that vehicle and that – those people."*<sup>73</sup>
184. Gordon's family returned to the Police station around 7am to speak to DSC Beddoes, but he was not told that they were there until around 8am. DSC Beddoes gave evidence that he was interested in what the family had to say, and he was annoyed with other police for not telling him that family had been waiting for an hour to see him.
185. Gordon's family explained to DSC Beddoes cogently and forcefully that they were certain he was missing. Jacinta Copeland told him that Amanda Roberts (Kowhai's mother) had attended her house around 11pm the previous night and

---

<sup>69</sup> T1.62.5—10 (18 July 2022)

<sup>70</sup> T1.62.30 (18 July 2022)

<sup>71</sup> T1.62.35—45 (18 July 2022)

<sup>72</sup> T3.217.15—30 (20 July 2022)

<sup>73</sup> T1.62.45—50 (18 July 2022)

disclosed information she had received directly from Kowhai that Gordon had been in the vehicle with her and Jabour and had fallen in the river. Jacinta explained that she and Amanda do not normally speak and for Amanda to have come to her home and told her that information gave it some credibility.

186. DSC Beddoes gave evidence that when he was speaking to the family on the morning of 11 July, he explained that he had been satisfied the day before that the search efforts should be called off because the persons had been located, but that he would make further inquiries. He said, in effect, that he understood that they were concerned for the welfare of Gordon, but he genuinely believed they were wrong about Gordon being missing.
187. However, even if DSC Beddoes has a memory that he was interested in hearing from family, I accept Lesley's evidence that he did not treat family members with the respect that they deserved in those circumstances. Lesley has a very entrenched memory of her interaction on that morning which she described as "frustrating, hurtful and heartbreaking." I accept that Leslie and the other family had every reason to feel stressed and upset at their treatment, which was dismissive.
188. DSC Beddoes did not show them the empathy and understanding that they deserved and he didn't spend enough time really listening to them about their concerns for Gordon. Even in giving evidence to this Court, DSC Beddoes appeared somewhat dismissive, and he did not demonstrate obvious empathy for the family. I hope that he has reflected more deeply since on what occurred and that he is capable of learning from the interaction, and I hope that he will continue to reflect on the evidence that Lesley gave.

### **The search is resumed on 11 July 2021**

189. At 8.15am on Sunday 11 July 2021, Inspector McWilliam looked at her work emails. She read the 6pm shift handover from LSC Manus, and on it she saw the note: "*MISSING PERSON - COPELAND - possibly linked with search of Gwydir River and vehicle found E152606801*".
190. DSC Beddoes travelled to a number of houses to speak to people to see if he could get further information, including Amanda Roberts and Michelle Lahood, who he knew. He asked Michelle Clarke for her assistance and told her (as had other police) that no one was in trouble, but he just needed to know about the welfare of the person in the river.

191. Around 10am, Amanda Roberts attended the police station with members of Gordon's family and said that she had convinced Kowhai to speak with police if police would guarantee that she would not be arrested. DSC Beddoes did guarantee that and said that he just wanted a statement, and she would be free to leave. Later that day, Kowhai attended the station and confirmed that Gordon had been in the car, and police were now convinced that Gordon was missing and a full scale search was urgent.
192. At 10.22am on 11 July 2021, there was a 4-way call organised by Superintendent Steve Laksa between himself, Inspector McWilliam, A/Inspector Harmer and DSC Beddoes, after which DSC Beddoes was tasked with making further enquiries about whether Gordon Copeland could have been in the vehicle. Shortly afterwards, it was agreed that a full-scale search for Gordon would be resumed and was urgent.
193. At 11.07am, Inspector McWilliam arrived at work after being recalled for the purposes of recommencing a coordinated search for the person missing in the Gwydir River at Yarraman, this time knowing that they were searching for Gordon. She attended a property at 'Tarcoola', 349 Carnarvon Highway, Moree where she was met by a number of Gordon's family members and she explained that she believed them that Gordon was missing and she was there to coordinate the search. Also present were two SES volunteers. Inspector McWilliam established the Command Post approximately 1 kilometre from the Carnarvon Highway on a road leading into the property, 'Tarcoola. Assistance for the search was sought from SES, Rural Fire Service , Police Divers, Polair, Police Rescue and family/community members.
194. Unfortunately, due to the flow of the current, the efforts of the divers were restricted, and visibility was zero. Water temperature was 11 degrees. A sweeping search was conducted from the last known point to 250 metres downstream but no person or anything of significance was found. At the conclusion of the divers' search on 14 July, the senior dive supervisor, Detective Sergeant Joshua Lisle, advised the LANSAR that if Gordon had drowned, it was possible his body may have travelled over 10 kilometres downstream, or may have become snagged. He explained that standard procedure once diving operations have ceased is to continue surface searches.<sup>74</sup>

---

<sup>74</sup> Ibid, [38].

195. Senior Sergeant Bradley Robinson gave evidence that the search was suspended after Senior Sergeant Smith reviewed completed and proposed search activities.

#### **A further search was conducted from 10 to 12 August 2021**

196. A further search was conducted by the NSWPF on 10, 11 and 12 August 2021. As part of that planned search, Detective Sergeant Joshua Lisle returned with a team of four police divers. The LANSAR was Senior Constable Ben King. This time, the water was several metres lower because it had been diverted downstream by Water NSW to assist the search efforts. It was agreed that the best plan was to return to the finish point of the previous search, to progress downstream and search the river surface, river bank and visible snags, along with particular areas of interest, like the Tyrell Weir and Gwydir rafts. Over two days, 12 kilometres was covered, without them finding Gordon's body.

#### **Gordon's body was located during a final search on 6 and 7 October 2021**

197. On 10 July 2021, Gordon's disappearance and suspected death was reported to the NSW State Coroner. As a result, I assumed jurisdiction and around mid-August a Counsel Assisting team was appointed. Pursuant to the State Coroner's protocol regarding First Nations deaths, the case took priority, an interim status report was requested from police and my Counsel Assisting and Solicitor Assisting had a conference with Gordon's extended family in Moree in early September 2021.
198. Gordon's family conveyed their heartbreak at not having found Gordon and a desire for assistance with further searching. Some family members had spent their own limited resources on buying equipment to search and continued to look for Gordon. They were, understandably, frustrated that the NSWPF would not yet commit to another search.
199. After consultation with the State Coroner's office, and communication between Moree Police, the LANSAR and the Solicitor and Counsel Assisting, NSWPF agreed to conduct a further, large-scale search, importantly involving the police divers, for a third time. NSWPF and the Coroner's office were aware of further rains predicted in November and the importance of a further committed search before rain fall made the task impossible.

200. The new search was again coordinated by the LANSAR, Sergeant Daniel Cooper under the supervision of Detective Sergeant Stephen Caldwell, who had been appointed as an independent NSWPF officer from Armidale. The search was ultimately assisted by the Marine Area Command Divers, Police Air Wing, Dog Unit, Mounted Unit, Rescue Unit, Operational Safety Group and the Forensic evidence and Technical Services Command.
201. On 6 October 2021, the searching began. For the divers, a similar tactic was used involving looking for submerged objects, starting from the point they had last left off in August. River flow was negligible because water had been diverted with the assistance of Water NSW. There was nothing found on 6 October, and in planning for the next day, it was decided that due to suitable depth, minimal flow and the long straight area of water ahead, divers would use 'side scan' sonar towed behind the vessel to identify snags and then dive each one as they came to it.
202. On the next morning, 7 October 2021, side scan operations commenced, and the divers located a large tree, 10-12 metres long, that ran parallel with the river. One diver, Senior Constable Nix, used a handheld sonar to direct another diver, Senior Constable Bradley Stirton who entered the water at 10.05am and searched the snag, which was at a depth of around 3.4 metres. At 10.28am, he located Gordon's body submerged and stuck under tree. This was captured below the water with submerged cameras, and above ground with cameras attached to PolAir. Over the course of around an hour and a half, with painstaking care and great skill, Gordon's body was recovered.
203. Gordon was found approximately 447 metres downstream from the point it is estimated that he entered the river.

## **Reflections**

204. In addition to the police officers directly involved in the search for Gordon, the Court heard evidence from senior police officers with a lengthy and significant commitment to Moree. Inspector Helen McWilliam was involved in coordinating the searches for Gordon between July and October 2021 and spent a significant amount of time speaking with Gordon's family. She was there on the morning when Gordon's body was found on 7 October and conveyed the news to family. I have no doubt that she cares about the community and families of Moree and has been deeply affected by Gordon's death. Inspector McWilliam gave evidence that this is a case that will stay with her and the officers involved for a lifetime, and I do not doubt that.

205. I accept the sincerity of the statement Inspector McWilliam ended her evidence with:

*The last time I had contact closely with a lot of Gordon's family was on the morning of 7 October. I'll say this. Policing is difficult. I think some jobs stay with officers for the rest of their lives. And I believe this job will stay with both my young officers and myself for the rest of our lives. I just want to say to all the family, .. Phillip, how very, very sorry I am for your loss. I could not even begin to imagine what life without Gordon is like. I'd like to thank your Honour and Counsel Assisting in particular for the expediency at which they have brought this matter to this stage. It is both very important for the family and for the community of Moree. And I hope that the family get the answers they're looking for, and I look forward to your Honour's findings and subsequent recommendations.*

206. I was also impressed with the sincerity and engagement of Superintendent Laksa. He too expressed his condolences to the family, but he said that he knew that condolences and sympathy will never be enough. Included in his comments was this:

*"For me and the family, want to walk into court, and I want to be able to walk down the street and be in Moree, and I want my police to be able to be in the street and be in Moree, and I want us to have a positive relationship. The tragedy with Gordon Copeland and the potential failures there by the - by the police are tragic, but I don't know what we do in terms of moving forward from here ...*

*But I can say that I've shed more tears with this investigation and this - this - this matter than I have with any other job that I've dealt with my whole policing career."*

207. On 7 October 2021, Superintendent Laksa was beside the Gwydir River supervising resources for the search when Gordon's body was found. I accept that he has thought deeply about Gordon's death and made appropriate concessions on behalf of the NSWPF, at the same time as he highlights the challenges of policing. I thank the officers for their engagement in this process and I hope that the NSWPF and family can continue a dialogue and work towards a better relationship, so that the children of Josephine and Gordon, and all First Nations children in Moree, can have the bright future they deserve.

208. My final words of thanks and praise go to Gordon's family. Without their tireless advocacy, it is doubtful that a third search for Gordon would have been undertaken. It was a considerable achievement that they advocated for him so effectively. Their commitment to Gordon is a reflection of their love and I hope that it continues to give them strength.



## **Recommendations**

209. I make the following recommendations to the NSW Police Force:

### ***Training for Moree Police – Aboriginal Culture and History – Policing in Context***

210. That the NSW Police Force review their training in relation to the history of First Nations Peoples to ensure that it is as comprehensive as possible in relation to the history of colonisation and the ongoing impact of colonisation on First Nations peoples today.<sup>75</sup> Where possible, Aboriginal Liaison officers should be engaged in delivering ongoing training for Police.

### ***Training - Trauma-Informed Communication with family members during searches for Missing Persons***

211. That the NSW Police Force consider providing officers with training on trauma-informed communication with families, particularly First Nations families, when they are concerned about a missing person.

### ***Critical Thinking and Decision-Making Training***

212. That the NSW Police Force review their training, for both recruits and current employees, in relation to critical decision-making training, to improve critical thinking in situations such as the preliminary search along the river.

### ***Rescue Equipment at Police Stations and in Police Vehicles***

213. That the New England Police District, encompassing Moree Police, conduct a review of the available rescue resources, taking into account their unique environment, including the river systems, to determine what further rescue equipment should be kept at stations and in vehicles.<sup>76</sup>

---

<sup>75</sup> Most officers who gave evidence at the inquest explained that they had undertaken Aboriginal cultural training during their time at the academy, and where COVID-19 allowed, with Aboriginal Cultural Liaison Officers in the Moree community. In light of these tragic circumstances, it may be appropriate to update this training program and ensure all staff currently stationed at Moree Police Station participate in training. This might constitute a small step towards rebuilding trust with the Aboriginal community in Moree

<sup>76</sup> Constable Hinton gave evidence to the inquest that police vehicles at Moree Police Station do not carry a life ring, rope, or any other similar equipment: T3.179.20 (20 July 2022). She agreed that equipment may have assisted police in conducting a search for Mr Copeland more effectively, stating, "Stronger torches that would allow us more visibility, some sort of night-vision camera or a heat-source camera, or something along those lines would have been allow us to see better during the night time and with the limited visibilities that we had with our torches: T3.166.35 (20 July 2022). LSC Manusu also suggested that heat seeking binoculars and lighting may have also assisted in these circumstances. She stated, "I don't think night vision [binoculars] might've helped but a heat seeking one. We would have seen exactly where that person was. Whether they were stuck, hiding whatever, we would've been able to see him and go straight to him: T2.79.25 (19 July 2022).

### ***Training for Moree Police – River Systems***

214. That the New England Police District, encompassing Moree Police, conduct a review of the available training courses, taking into account their unique environment, including the river systems, to determine whether further courses should be offered to police.<sup>77</sup>

### ***Formalised Debriefing Processes***

215. That the NSW Police Force review their formal debriefing to determine if it is adequate to provide NSW Police with the necessary advice and support after experiencing a trauma like Gordon's death, particularly to determine what can be learnt and how officers can support each other.<sup>78</sup>

---

<sup>77</sup> Constable Hinton also suggested that officers should undertake water training to operate in the environment of Moree's river systems T3.179.25 (20 July 2022). Constable Joshua Jones gave evidence to the inquest that he agreed with those suggestions: T3.218.5 (20 July 2022). Constable Kobe Russell also noted that the police station also did not have equipment similar the above: T5.354.35 (22 July 2022). Constable Murray agreed that he would be interested in undertaking search and rescue training for river systems: T4.253.25 (21 July 2022)

<sup>78</sup> Constable Hinton also gave evidence that it would be helpful for junior officers in these circumstances to debrief with police after tragedies like these, to learn from the events: T3.179.5 (20 July 2022). Constable Murray also agreed that it would be beneficial to have a formal, structured process with senior officers to talk through learnings from these kinds of situations: T4.259.5—30 (21 July 2022)

## Conclusion

216. I wish to thank all of the legal representatives for the sufficient interest parties. I have observed the impact of these proceedings on all those who were at the Bar Table, as well as the lawyers and support persons in the body of the Court. It is clear to me that everyone has been affected by the circumstances of this inquest.
217. I would like to thank my counsel assisting team, in particular, Dr Peggy Dwyer of counsel and Lena Nash of the Crown Solicitor's Office, who have worked tirelessly on this case. I would also like to thank Ms Nicolle Lowe. They have all worked so hard to ensure that Gordon's case was handled with great professionalism and care.
218. I will conclude by again expressing my sincere condolences to those who knew and loved Gordon. And I also express my thanks to them for participating in this process and for sharing their memories of the young man they loved so much.
219. I close this inquest.



Magistrate Teresa O'Sullivan  
State Coroner  
Moree  
18 April 2023