



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and suspected death of Katherine Ackling-Bryen
Hearing dates:	7 June 2017
Date of findings:	9 June 2017
Place of findings:	State Coroners Court, Glebe
Findings of:	Magistrate Harriet Grahame, Deputy State Coroner
Catchwords:	CORONIAL LAW – Missing person; declaration of death.
File number:	2016/102592
Representation:	Ms Lisa Green, Sergeant assisting the Coroner
Findings:	On the balance of probabilities, I find that Katherine Ackling-Bryen is dead. She died on or soon after her disappearance on 19 February 2016. On the information before me, I am unable to determine the place, manner or cause of her death.

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Section s81 (1) of *The Coroners Act 2009* (NSW) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the disappearance and suspected death of Katherine Ackling-Bryen.

These findings are written without the benefit of a transcript.

Introduction

On the afternoon of 19 February 2016, Michael Bryen received a call from Oxley Park Public School, informing him that his wife, Katherine, had not collected their children from school, as expected. He was surprised but thought Katherine must be running late or asleep. He stopped by their home on the way to school to collect the girls, but found no sign of his wife. That afternoon Michael reported his wife missing to the NSW Police. Tragically, despite extensive investigation and searching, Katherine Ackling-Bryen has not been located.

Her disappearance has devastated her close family and many in her local community.

The role of the Coroner

The role of the coroner in a case such as this is firstly, to carefully consider whether the evidence available supports a finding that the nominated missing person is actually dead. If that can be established, the coroner must make further findings as to the date and place of death and in relation to the manner and cause of death.¹

The scope of the inquest

The inquest was held at Glebe Coroner's Court on 7 June 2017. Oral evidence was taken from the officer in charge of the investigation, Detective Senior Constable Andrew Wells, Katherine's husband, Michael Bryen and her mother, Susan Reeve.

Extensive documentary evidence was also tendered including witness statements, photographs and CCTV footage, telephone records, various search records and maps.

¹ Section 81 *Coroners Act 2009* (NSW)

Brief family background

Katherine Ackling-Bryen was born on 15 June 1978. Her parents Barry Ackling and Susan Reeve separated when she was around 13 years of age. Katherine remained living with her mother and two brothers Peter and Jonathan. The period after the separation was difficult, but Susan and her children remained close.

After completing a year at Newcastle University, Katherine relocated to Sydney. While living in Sydney, Katherine met Michael Bryen and they formed a relationship. During the inquest Michael described Katherine in loving terms as both his wife and his best friend.

Michael and Katherine moved in together at Blacktown. They were overjoyed when they found out Katherine was pregnant. Tragically, in March 2006 their child, Christopher, who suffered a serious genetic disorder, was premature and still born. The loss affected the couple and their families profoundly. The child was buried in Katherine's mother's garden and the family continued to celebrate his anniversary. Katherine and Michael had two further children, Caitlin, who was born in 2007 and Emma, who was born in 2010. Katherine is reported to have been a devoted mother, whose daughters were central to her life.

In approximately 2011 Katherine, Michael and the children moved into their home on the Great Western Highway, St Marys. Although Katherine had previously begun tertiary studies and had worked part-time, in recent years she had been a stay at home mother. She is said to have become quite shy and reserved. She had strong religious or spiritual beliefs and was part of a local church community.

As a routine part of the investigation surrounding Katherine's disappearance, police interviewed many of the couple's friends and acquaintances. There was no reliable evidence of verbal or physical violence or anything particularly unusual described. Sometimes an investigation such as this will attract those who wish to peddle rumour and innuendo, however nothing of substance was unearthed. Katherine was described by many as kind, quiet and reserved. She did not appear to trust many with her private thoughts. It should be noted that Katherine had at times expressed difficulties and doubts about her marriage, privately to her mother, but there was no report of violence or threat.

The couple's children were also interviewed by specialist police. Nothing adverse was disclosed about the nature of the family relationships or the existence of trouble or violence in the home. No new or unexplained visitors to the house were revealed. Nothing of interest to the investigation was found on family electronic devices or in a full search of the family home.

A comprehensive police investigation found no evidence that Katherine may have been the victim of crime or violence.

The last known sighting

As part of the investigation, police prioritised establishing a timeline of Katherine's last known movements. The information was obtained from Michael, Caitlin and Emma Bryen, family members and parents and teachers from the school, along with CCTV footage and other physical evidence obtained during the investigation.

On 19 February 2016 Michael left the family home at around 5:30am, leaving his wife Katherine asleep in their marital bed. At 8:47am Michael used his telephone to call his wife Katherine. During that conversation Katherine discussed walking towards Oxley Park Public School to drop off their eldest child Caitlin. Katherine's usual route was to travel along the Great Western Highway, turning left onto Sydney Street and entering the school grounds through a side gate.

The circumstances surrounding her dropping the girls at school are somewhat unusual and demonstrate behaviour which appears out-of-character. Katherine had indicated to Michael that their youngest daughter Emma would be staying home from school that day. Emma had reportedly suffered an embarrassment at school the day before, having soiled her clothing. This seemed to cause Katherine great stress and against her husband's initial advice it was decided that Emma would stay home from school for the day. Katherine and the girls walked to school with Emma still in her pyjamas.

It appears that on the trip home Katherine changed her mind about Emma missing school and made a decision to take her back and leave her there, still dressed in her pyjamas.² She said that she would be back to collect both girls at 3:00pm. The children later reported that Katherine had tears in her eyes and appeared upset on the journey.

Reports from the school indicate that Emma was signed in to school at 9.30am and that administration staff provided her with a uniform. The school reports that Katherine returned later with her daughter's shoes. It is difficult to understand why this behaviour did not ring some warning bell at the school. It was quite out-of-character. With hindsight, it was so unusual within the family's history at the school that it tended to indicate the need for concern or follow-up of some kind. The school may take this opportunity to review their practices in this regard.

During the morning, Katherine contacted her mother, father and both her brothers. The conversations seemed normal and happy, but it was, on reflection, odd that she had called all her family members on the same day.

At 11:22am Katherine boarded a 744 bus. It appears that she exited the bus in the vicinity of the St Mary's Village Centre, St Mary's. After entering the Village Centre, Katherine is captured entering and then leaving the Target store heading in the direction of the eastern exit of the St Mary's Village Centre. She purchased a few items of children's clothing. While it is unclear exactly how Katherine returned to the family home on the Great Western Highway, it appears that she returned home due to the fact that items purchased were subsequently found within the family

² For a full account of this period see the children's ERISP recordings.

residence. It seems that around this time Katherine may have commenced cooking a meal for her family in the slow cooker.

After this point it is impossible to account for Katherine's further movements.

Her wallet and mobile telephone were in the house when the family returned. It appears that Katherine had taken a single form of identification.

Katherine's mental health history

Katherine had a history involving some mental health care. Her mother described her as a loving child who had struggled with abandonment issues after the family breakdown. In teenage and early adulthood she had experienced troubled periods and had suffered depression and anxiety. At times she struggled with finding a place to belong.³

Her relationship with Michael and her first pregnancy seemed to bring her happiness, but the loss of that child triggered further grief and profound sadness.

In January 2013 Katherine suffered a psychotic episode. She was admitted to the Pialla ward at Nepean Hospital for treatment. At that time she was described to have sudden onset paranoia and hyper-vigilance. She expressed fear that her husband was trying to harm her and the children. These fears were considered unfounded by the treating team and seemed to pass as she recovered.

At this time she was treated with anti-psychotic medication which brought some improvement to her mental state. Katherine was noted to have expressed suicidal thoughts during this period. She was discharged after about 3 weeks. Katherine was diagnosed with a form of schizophreniform psychosis. She also disclosed ongoing anxiety since childhood and an indecent assault by a family member.

Katherine's mother told the court that there was inadequate follow-up after this admission and it appears that Katherine was not involved in any ongoing therapy. Certainly there is no record of Katherine ever establishing a strong and meaningful therapeutic relationship with a mental health practitioner or case manager.

Following her hospitalisation, it appears that Katherine's mental health issues were judged by her general practitioner to be well controlled with medication. She does not seem to have had any specialist mental health care or follow up. It is difficult to know if Katherine would have been receptive to further intervention or whether she merely hoped that she could put the period of her hospitalisation behind her. She is reported by some to have been somewhat embarrassed and ashamed of this episode.

After her release from Nepean Hospital there were happy times with the family, but also ongoing periods of sadness and depression. At times Katherine appeared to others as withdrawn and quiet. In 2015 Katherine became pregnant and this prompted a decision to stop taking the medication she had been prescribed. Her husband reported that this did not appear to change her mood, but in retrospect

³ Evidence given by Susan Reeve, on 7 June 2017

there may have been subtle changes. Unfortunately, the pregnancy was not viable and in November 2015 she was admitted to Nepean Hospital after an incomplete miscarriage. This event was also extremely traumatic for Katherine. Katherine does not appear to have resumed her medication after this time.

Land searching

Police carried out extensive physical searches in the local area. This included door knocking and canvassing around her home and school. An aerial search was conducted that included the South Creek area between the M4 to the south and Ninth Avenue, Llandilo to the north. Later, there was further aerial searching of Federation Forest. None of these searches were successful.

A land and water search was also conducted in the park land area along South Creek. This included officers on foot and officers from the NSW Police Marine Area Command in kayaks. Police dogs and cadaver dogs were also used, to no result

Other police investigations

On 22 February 2016 police established a strike force to manage the data and to allow for a systematic approach in relation to the investigation of Katherine's disappearance. The investigation continued with the name strike force Pateman, under the supervision of Detective Senior Constable Andrew Wells.

I have had the opportunity to review their records and am well satisfied a comprehensive search took place. Unfortunately, there was very little reliable information found which could narrow the potential search area. Had Katherine taken a train to the Blue Mountains area, for example, the areas to cover are truly vast and impenetrable. In these difficult circumstances, I note that both Katherine's husband and mother had no complaints in relation to the search undertaken and thanked all involved for their search efforts. They spoke positively of the wide range of strategies undertaken.⁴

The investigation obtained a large amount of evidence including CCTV footage and telephone records. Computers belonging to the family were interrogated and mobile phones downloaded.

Numerous investigations were undertaken with local bus and taxi companies. Sydney Trains examined a large amount of CCTV footage for the police. The process of examining the rail CCTV was somewhat frustrating for Detective Senior Constable Wells.⁵ However it should be acknowledged that there were significant problems with the size of the initial request, given the range of cameras and stations potentially involved. The fact that police could do no more than guess where Katherine may have gone made the task extremely difficult. No useful sightings were identified in the material reviewed.

⁴ Evidence at Inquest, 7 June 2017

⁵ See also the Statement of Detective Senior Constable Oxley, (at paragraph 75 onwards) at Exhibit 1

The task force also used the New South Wales police media unit to prepare a targeted media strategy to seek assistance from members of the public in the search of Katherine Ackling-Bryen. As a result of that strategy a number of people began to contact police with alleged sightings. These sightings included areas in St Mary's, North Richmond, Bowral, Swansea, Mt Druitt, Seven Hills and Windsor. A review of all the available data demonstrated women of similar description to that of Katherine Ackling-Bryen, however on closer inspection no confirmed sightings were identified. Similarly, 'Crime stopper' reports from the public revealed no new information. Various method of communication were used including television, facebook and newsprint. Police arranged for a major media campaign to seek assistance from the public. A number of major news outlets contributed to a national appeal for public assistance.

The task force contacted women's refuges and domestic violence services throughout New South Wales. However none of these efforts were successful in locating Katherine Ackling-Bryen.

As part of the investigation it was necessary to determine the movements of Michael Bryen. His movements on 19 February 2016 were tracked by viewing CCTV footage, interviewing his employer, and examining mobile phone records. No discrepancies or unusual gaps were identified.

CCTV footage was sought from local shopping centres and from the local bus company. No useful evidence was obtained.

Local hospitals were contacted to no avail. A missing person letter drop was undertaken and letters were delivered to a large number of residential homes seeking assistance from the public. A large number of statements were taken from friends at the school and local church. Both organisations also cooperated with their own appeals.

Is Katherine dead?

As is usual in a case of this sort, police made numerous inquiries with all State and Territory Law Enforcement agencies, Births Deaths and Marriages and Missing Persons Units. Each of these agencies returned a negative result in locating Katherine Ackling-Bryen. Births Deaths and Marriages confirmed that there has been no "change of name", or "registration of death" in the name of Katherine Akling-Bryen. Other checks conducted include with banks and government agencies. There was no reported unexplained financial or other activity after her disappearance. Katherine was not the sort of person with access to large amounts of cash to secure a permanent departure. There was no evidence that she had made new friends recently or that she had started a secret relationship.

Michael Bryen gave evidence that he now accepted that Katherine must be dead. He did not believe that she had died as a result of foul play. His own process in coming to this realisation was understandably painful and he had gone to enormous lengths to find her. Michael had even travelled to the Blue Mountains and walked down paths

and to lookouts in his desperate attempt to locate his wife.⁶ In the final analysis he believed the strongest indication of her death was that there had been no contact with her children. He believed that her love for the girls was so strong that had she been alive she would have reached out in some way.

At first Katherine's mother had believed that her daughter would not have left her children and for that reason she hoped Katherine may be alive somewhere. However, as time went on Susan Reeve also came to accept that if Katherine was alive, and for some reason had left her marriage, she would not have been able to stay silent through her children's birthdays and the anniversaries that had now passed. It was simple but compelling evidence.

Michael Bryen gave evidence that since his wife had disappeared he had noticed that a nuke bag and a quilt were also missing. The quilt had enormous sentimental value to Katherine. It had been sewn by her mother, based on a design they had coloured together while Katherine was in the Pialla Unit. The design was colourful and in the shape of a mandala. The quilt had a celestial theme, with stars and moons and reminded them of her son, Christopher. Both Michael and Susan felt it was significant that the quilt was missing and thought Katherine may have taken it.⁷

Given the seriousness and finality of finding that a person is dead, proof of the issue "must be clear, cogent and exact" before a finding can be made⁸. The evidence in Katherine's case clearly reaches this threshold. It is now 16 months since she was last seen. There has been no contact or any sign of life. Many important anniversaries have come and gone. While her body has not been located, on the balance of probabilities, it has been established that Katherine is dead. In my view the evidence allows a further finding that she died on or soon after the day she was last seen. Beyond that the Court is unable to say what has happened. It may be that Katherine has suffered further mental health issues and died by suicide or accident. There are certainly aspects of her behaviour on the morning of 19 February 2016 which indicate that Katherine may have been unwell. However, this is no more than a theory. An open finding will be recorded in relation to her place of death and in relation to the manner and cause of her death. Susan Reeve's DNA will remain on file and be available for any future testing if it is required.

Findings required by s81 (1)

On the balance of probabilities, I find that Katherine Ackling-Bryen is dead. She died on or soon after her disappearance on 19 February 2016. On the information before me, I unable to determine the place, manner or cause of her death.

⁶ Evidence at Inquest 7 June 2017

⁷ Evidence at Inquest 7 June 2017

⁸ See *Briginshaw v Briginshaw* (1938) 60 CLR 336, *Inquest into the Suspected Death of Tegan Lee Lane* (State Coroner Abernathy, 15 February 2006)

Conclusion

Finally, I once again offer my sincere condolences to Michael Bryen, Susan Reeve and their families. I thank them for their participation in this inquest and for the generous way they shared memories of Katherine. It is clear to me that Katherine loved her children deeply and as the girls grow up I am confident that they will be reassured of this by the loving family around them.

I thank Detective Senior Constable Wells for his conscientious investigation.

I close this inquest.

Harriet Grahame
Deputy State Coroner

Date: 9 June 2017