CORONERS COURT
OF NEW SOUTH WALES

Inquest:	Inquest into the disappearance and suspected death of Melissa Caddick
Hearing dates:	12-16 and 26-30 September, 28-29 November 2022 and 10 February 2023
Date of findings:	25 May 2023
Place of findings:	NSW Coroners Court - Lidcombe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – disappearance of a person – is the person deceased – if so can cause and manner of death be established – was the person suffering a psychiatric condition or disorder – was the NSW Police Force investigation adequate – did officers of the Australian Security and Investments Commission and members of the Australian Federal Police act appropriately when executing a search warrant.
File number:	2021/50376
Representation	Counsel Assisting the Inquest: J Downing of Senior Counsel with L Coleman of Counsel, i/b NSW Crown Solicitor Anthony Koletti: J Swan, Solicitor NSW Commissioner of Police: L Gyles of Senior Counsel with H Ryan of Counsel, i/b the Office of General Counsel The Australian Securities and Investments Commission: D Jordan of Senior Counsel with G Huxley of Counsel, i/b the Australian Government Solicitor Commissioner of the Australian Federal Police: H Bennett of Counsel i/b McCullough Robertson Lawyers Isabella Allen: J Sutton, Solicitor

Findings	**Identity** The person who has died is Melissa Caddick. **Place of death** The evidence does not enable a finding as to the place of Melissa Caddick's death. **Date of death** The evidence does not enable a finding as to the date of Melissa Caddick's death. **Cause of death** The evidence does not enable a finding as to the cause of Melissa Caddick's death. **Manner of death** The evidence does not enable a finding as to the manner of Melissa Caddick's death.
Recommendation	**To the NSW Police Force:** That the Commissioner of Police consider further revising the Missing Persons Registry SOPs 2023 with a view to making clear the level of suspicion of homicide having occurred that is required in order to warrant notification to the Homicide Squad.
Non-publication orders	Non-publication and pseudonym orders apply to the evidence in this inquest. A copy of the orders made by Deputy State Coroner Ryan is available upon request from the Court Registry.

Contents

Section 81(1) of the *Coroners Act 2009 (NSW)* [the Act] 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 Melissa Caddick.

The role of the Coroner

1. Pursuant to section 81 of the Act, a Coroner holding an inquest concerning the suspected death of a person must make findings as to whether the person has died and if so, the date and place of the person's death, and the cause and manner of their death.

2. In addition the Coroner may make recommendations in relation to matters which have the capacity to improve public health and safety in the future, arising out of the death in question.

Introduction

3. Melissa Caddick was last seen during the night of 11 November 2020. Since that time no one has seen her or heard from her. At the time she disappeared Ms Caddick was living in Sydney with her husband Anthony Koletti and her only child, a son.

4. Ms Caddick was under investigation by the Australian Securities and Investments Commission [ASIC] for allegedly defrauding investors. As the operator of a financial advisory business she allegedly stole in excess of $23 million from her clients, many of whom were her family and close friends.

5. On 11 November 2020, ASIC officers and members of the Australian Federal Police executed a search warrant at Ms Caddick's home. They took away electronic and documentary material, as well as large quantities of designer clothing, jewelry, and art works. Very soon afterwards Ms Caddick disappeared.

6. Ms Caddick's clients were shocked and felt a profound sense of betrayal when they discovered that the money they had invested with her had gone. For many, their losses represented all the money they had saved for their retirement or for their children's education. The financial and emotional harm they have suffered will reverberate for many years to come.

7. For Melissa Caddick's family – her husband, her son, her brother and her parents - this inquest was a deeply painful experience. Her abrupt disappearance from their lives left them in immense pain and confusion. They loved her and their grief and sadness continue.

8. Their feelings of personal loss must surely have been compounded by the shock of learning that the money they too had entrusted to her had gone.

9. Ms Caddick's family, and so many others affected by her actions, have been living in doubt and uncertainty since she disappeared. This inquest sought to find answers to their questions.

The issues examined at inquest

10. These were the issues examined at the inquest:

    - Is Melissa Caddick deceased?
    - If so, can the time, place, cause and manner of her death be established?
    - Did Ms Caddick suffer from a psychiatric condition or disorder, and if so how is it likely to have affected her thinking and behaviour on 11 to 12 November 2020?
    - Was the investigation by the NSW Police Force into Ms Caddick's disappearance adequate?
    - Did officers of the Australian Securities and Investments Commission and members of the Australian Federal Police act appropriately, when they executed a search warrant at Ms Caddick's home on 11 November 2020?

11. An inquest into the circumstances of Ms Caddick's disappearance was held over thirteen days between 12 September 2022 and 10 February 2023**.** Tendered to the court was a twelve volume brief of evidence compiled by the Officer in Charge of the coronial investigation, Detective Sergeant Michael Foscholo.

12. At the inquest the court received evidence from numerous witnesses. In addition, the following specialists provided expert reports to the inquest and in some cases gave oral evidence:

    - Dr Jennifer Pokorny, forensic pathologist
    - Dr Mohamed Nasreddine, radiologist
    - Dr David Lunz, orthopaedic surgeon
    - Marine scientists Thomas Mesaglio, Professor Iain Suthers and Professor Shane Ahyong
    - Oceanographers Professor Moninya Roughan, Dr Amandine Schaeffer and Dr David Griffen
    - Forensic psychiatrist Dr Kerri Eagle.

13. As will be seen, the conclusion I have reached is that Melissa Caddick is deceased. However for reasons which will be explained, I do not consider the evidence enables a positive finding as to how she died, or when and where this happened.

The structure of these findings

14. I have commenced with a brief description of Ms Caddick's life, the investment scheme which she operated, the investigation undertaken by the Australian Securities and Investments Commission, and the execution of a search warrant at Ms Caddick's home on 11 November 2020.

15. Ms Caddick's disappearance shortly afterwards sparked a major police search and investigation, which I describe in some detail.

16. Three months later Ms Caddick's decomposed foot washed up on a remote southern beach. I summarise the specialist evidence which was sought from medical, oceanographic and psychiatric experts. As will be seen, this evidence has enabled answers to some of the questions about what happened to Ms Caddick, but by no means all of them.

17. The findings then examine the question of whether the police investigation into Ms Caddick's disappearance was adequate. This includes consideration of the many accounts which Ms Caddick's husband Anthony Koletti provided to police and to the media, and assessing his credibility.

18. I then address the evidence which establishes that Ms Caddick is deceased. Less straightforward is the evidence regarding the possible cause and manner of her death.

19. The final issue considered is whether there is any basis to support claims made by members of Ms Caddick's family, that the involved officers acted inappropriately when they executed the search warrant at her home on 11 November 2020.

Melissa Caddick's life

20. Born on 21 April 1971, Melissa Caddick was the second child of her parents Barbara and Ted Grimley. Her brother Adam was five years old when she was born. Ms Caddick's father worked in the insurance industry, and the family lived in Lugarno. Those who knew the Caddick family described them as *'close-knit'*, and *'reasonably comfortable in their work and lifestyle'.*

21. Adam and Melissa Caddick were educated at Peakhurst High School. A fellow student recalled Ms Caddick as '*a pretty average or just above average student'.* Reportedly she was '*aspirational even then and quite organised but there was nothing that stood out about her'.* Others commented that she was keen to impress girls from wealthy families. Strong willed and very private, she '*would not share unless she wanted to and she would control the narrative'.*

22. After completing school Ms Caddick went to St Patrick's Business College, then worked as a secretary with the NRMA. There she developed a familiarity with the business of share trading. Barbara Grimley was proud of her daughter, describing her as *'a great saver, she had quite a bit behind her'.* She recalled that Melissa borrowed money from herself and her husband to buy a house in Paddington, taking only eighteen months to repay them.

23. Ms Caddick met her first husband Anthony Caddick in 1998, and they married the following year. They had a son, who is referred to in these proceedings as Witness B.

24. Tony Caddick was UK-born, and the family relocated there in 2011. However the marriage ended in acrimony a year later, when Mr Caddick discovered that his wife was having an affair with her hairdresser, Anthony Koletti. Taking Witness B with her, Ms Caddick returned to Sydney and the couple divorced in 2013. This was a time of anxiety and low mood for Ms Caddick, and she sought counselling with a psychologist.

25. In the midst of this family upheaval Ms Caddick is said to have told her brother Adam that *' .. if it all gets too much for me you'll find me at The Gap'.* This is of course a reference to an area of Sydney's cliff line which is a well known site for suicide.

26. To a number of people Ms Caddick made allegations that Tony Caddick had been abusive towards her during their marriage. However it is important to record that the Officer in Charge of the coronial investigation, Detective Sergeant Michael Foscholo, found no evidence to substantiate these claims.

27. In December 2013 Ms Caddick married Anthony Koletti, who worked as a hairdresser and part-time DJ. At around the same time she purchased the home in Wallangra Road Dover Heights where she, Mr Koletti and Witness B lived until her disappearance.

28. Those who knew Ms Caddick described her marriage to Mr Koletti as a happy and stable one. In the words of one witness:

> *'She always talked fondly of Anthony .. and said he treated her so well'.*

29. According to Ms Caddick's brother Adam, the couple was *'very close, loving and affectionate'*, and he observed Mr Koletti to be '*very caring to* [Witness B], *Melissa and my parents'.*

30. An investor who had been a friend of Ms Caddick since childhood said of him:

> *'…he is a nice person and loved Melissa and was dedicated to her … It appeared they were happy, however I am not sure if their relationship was equals, which may have been in both their favour.'*

31. Another described Ms Caddick as:

> *' … strong willed and as a result of this the dominant person in her family. There is no doubt that she was the alpha in her relationship with Anthony Koletti and [Witness B]. She was in control of their family and she called the shots.'*

32. As for Ms Caddick's relationship with her son, witnesses were unanimous that she cherished him and was deeply attached to him. One friend described her as *'a dedicated parent to* [Witness B] *and a loving mother'*. Several others said he was *'her pride and joy',* and that she *'adored him'.*

33. Ms Caddick was also said to be very caring towards her family and close friends, and they appeared to be the most important people to her.

Ms Caddick's investment scheme

34. How clients made the decision to entrust their savings to Ms Caddick is not of itself the focus of this inquest.

35. Nevertheless, the accounts which clients gave about how they became involved with Ms Caddick are a valuable resource. Statements from each of them were gathered by the police team which investigated her disappearance. The histories they provided give context to her abrupt

disappearance in November 2020, and offer an insight into her possible state of mind at that time.

36. Reading these statements, one is struck by the powerful impression of wealth and success which Ms Caddick made upon her clients. Equally significant was the trust they had in her, built upon the foundation of their relationships with herself and her family. As will be seen, these features were of particular interest to forensic psychiatrist Dr Kerri Eagle, who was asked to assist the inquest with an opinion as to Ms Caddick's likely state of mind around the time of her disappearance.

37. From the late 1990's Ms Caddick worked as a financial planner at Wise Financial Services. Rising to partnership in this firm, she sold her stake in about 2004, following negotiations which reportedly caused her a great deal of stress. After Witness B was born she returned to work part-time as a management consultant and stockbroker.

38. Ms Caddick's next step was to start her own financial services business. Maliver Pty Ltd was incorporated in June 2013, and she was its sole shareholder and director. She ran her business from her home in Dover Heights.

39. The scheme operated by Ms Caddick allegedly defrauded somewhere between $20 and $30 million, but it was not particularly complicated. Put simply, when she received funds to invest for new clients, she set aside a portion to pay small returns to existing investors. The remainder she used to fund a very expensive lifestyle.

40. Ms Caddick told prospective investors that once they had deposited their funds with her, she would transfer their money into an individual trading account which she would open for them. These accounts would be in their name, and would be held with Commonwealth Securities Limited, and with other financial providers. The accounts would be used for the purchase and sale of shares. By this means, clients were to receive profits through capital growth in the shares and through dividend payments.

41. Promptly each month, Ms Caddick's clients received trading account statements and portfolio evaluations which indicated that their investments were prospering.

42. But the trading account statements were a complete fabrication. Ms Caddick never deposited her clients' funds into their individual trading accounts. In fact, their trading accounts were also a sham. Clients were shocked to discover, after Ms Caddick disappeared, that she had not opened any such accounts. Instead their money had remained within accounts which Ms Caddick controlled, and she had used almost all of it to buy things that she loved.

43. Ms Caddick's passion for luxurious clothing and jewelry was well known to her friends and acquaintances. In her statement, one long term friend commented that she was *'always immaculately presented and favoured high end labels. This has been the case for as long as I have known her'*. She had *' … a passion for beautiful things, and jewelry was her first love followed by beautiful clothing.'*

44. Would-be investors could not help but admire Ms Caddick's home '*furnished with designer items',* and her expensive lifestyle:

> *' … she lived in an amazing house, wore beautiful clothes and enjoyed overseas holidays'.*
>
> *' … [W]hen you would go to Melissa's house, it would always centre around her latest acquisitions, she would show us the latest piece of art or sculpture she would have purchased'.*

45. Creating an impression of financial success was clearly integral to the confidence which Ms Caddick inspired in her clients. To some she made the false claim that she owned a condominium in Aspen, Colorado. To others she said that she owned a block of 48 apartments in New York, some of which had been damaged during 'Black Lives Matter' protests.

46. Impressed by her appearance and her wealthy lifestyle, some clients hoped that she would make them wealthy too. As one recalled:

> *' … I was thinking back then that I wanted to model myself and our family on successful people and Melissa appeared to be successful, so I wanted to model myself on her financial success'.*

47. In the words of another investor, she 'presented as an amazingly beautiful image of success both financially and personally'.

48. Indeed to judge from the statements provided by her clients, Ms Caddick possessed to a high degree the personal skills and attributes needed to develop and maintain a scheme of this nature. Her investors consistently described her as '*confident'*, '*organised'*, '*intelligent'* and *'very structured'*.

49. Importantly, she was also highly skilled in forming personal connections with her clients:

> *'Melissa was genuine and caring and made me feel very comfortable about investing with her'.*
>
> *'She was very good at making a connection with me and building a relationship through picking up on things I said'.*

50. Clients admired her friendly but professional manner, and were reassured by the competence with which she seemed to run her business:

> *'She showed us the compliance checks, auditor reports, process sheets, everything that showed the efficiency of the funds and how there were balances and processes in place to protect us'.*

51. Women in particular were impressed by Ms Caddick's expressed desire to empower them by building their financial independence:

> *'I recall during this meeting that Melissa came across as very warm and that she was genuinely trying to help me, and that she had this persona of trying to help women and empower them. This was a big selling point to me and allowed me to garner trust in Melissa'.*

'I did ask Melissa that day, why was she doing this, and her response was, in the most sincere way, 'Because I have done so well, that I want to pass this on and help my friends and family. I only want to do this to my friends and family''.

52. Nor did Ms Caddick hesitate to put prospective investors in contact with her existing clients, to reassure them of her competence and integrity. They invariably expressed satisfaction with the financial returns and paperwork they were receiving from her.

53. But Ms Caddick could not have succeeded without the unquestioning trust of her clients. Ms Caddick's investors were not merely her clients. Almost all were either immediate family members, or close personal friends of herself and her family. Her mother and father, her brother and his friends, her aunt and uncle, school friends, old friends of her parents – all had complete faith in her integrity and never imagined that she was capable of betraying it.

54. Neville and Beverley Wooden were neighbours of the Caddick family. They had known Melissa Caddick as a child and had watched her grow up:

'My wife Beverley and I have been good friends with Barb and Ted Grimley for over sixty years. … Barb and Ted's children, Melissa and Adam, were born a few years before our children. They were like our own adopted children'.

55. This elderly couple was '*flabbergasted'* when they discovered the loss of their superannuation funds, valued at close to $600,000: '*It just wasn't like her. We loved her*'.

56. A similar sense of disbelief echoes through the statements of many other investors:

'I had in the back of my mind that Melissa had been a part of our family for the past twenty-five years so she must be above board'.

'[W]e had known Melissa for a long period of time, she was Barb and Ted's daughter who we consider as close friends. We saw how successful she was, heard it also, so there was a sense of trust in Melissa which led us ultimately in investing…'

'Over the years I heard Melissa's name being mentioned by Mark's entire family both as Kate's friend and as their financial advisor. Melissa was someone the family trusted immensely'.

57. For this reason it was not unusual for multiple members of a family to entrust their money to her:

' … I sold my business as I was under the impression my money was safe, and I retired in 2017 …. to rub more salt in the wound she has also stolen my mother's money, wife's, mother-in-law, son, brother and sister … wiping out three generations of my family's savings.'

58. For many, their deep connections with the Caddick family made the loss of their savings so much harder to bear:

'One of the biggest things that I am finding difficult to comprehend is the sense of betrayal. We had a sense of trust with Melissa and never thought that Melissa would have done this to us and her family'.

'…. I don't care for myself so much but when I think of my kids and grand kids' financial futures that have been destroyed by Melissa it hurts me more than I can express'.

59. On 11 November 2020 however, few if any of Ms Caddick's clients were aware that they had been defrauded, or that for the previous two months their financial advisor had been the target of an investigation by the Australian Securities and Investments Commission.

60. I will now describe how the ASIC investigation commenced, and its culmination in the search warrant which was executed at Ms Caddick's home on 11 November 2020.

How ASIC's investigation commenced

61. Two related events triggered ASIC's investigation into Ms Caddick's financial activities.

62. The first was a complaint which ASIC received from a fellow financial advisor. Ms Jennifer Porter had known Ms Caddick in 2003 when she worked at Wise Financial Services. Many years later Ms Porter became aware that Ms Caddick was using the number of her Australian Financial Services Licence without her permission.

63. A person who operates an Australian financial services business is required to obtain a licence from ASIC. Ms Caddick had never been issued with one. Ms Porter reported her discovery to ASIC in November 2019, and again in June 2020.

64. Two months later, a chance encounter at a dentistry practice led to a dramatic development. While waiting for her appointment with an endodontist, Ms Porter got into conversation with another patient whom she had not met before. Ms Dominique Ogilvie told Ms Porter that she had recently invested a very large sum of money with a financial advisor, Ms Melissa Caddick, whom she had met while skiing in Aspen earlier that year.

65. Alarmed for Ms Ogilvie, Ms Porter wanted to warn her but had no opportunity to do so before the latter was called into her appointment. Ms Porter left her contact details with the endontrist's receptionist, and the two women met later that day.

66. Ms Ogilvie was unnerved to discover that she had entrusted her money to a financial advisor who was illegally using another person's licence number. She resolved to get her money back. Within a few days she had managed to obtain from Ms Caddick a refund of her original investment of $2.5 million plus a 'profit' of $382,141, using a story that she needed her money quickly to buy a property.

67. On 14 September 2020, Ms Ogilvie had her first discussion with ASIC investigators about how she became involved with Ms Caddick.

The ASIC investigation and issue of search warrants

68. The investigation into Ms Caddick's investment scheme formally commenced on 8 September 2020. Its task was to investigate possible offences by Ms Caddick and Maliver Pty Ltd against the *Corporations Act 2001*, the *Crimes Act 1900*, and the Commonwealth *Criminal Code Act 1995*.

69. The investigation was allocated to an ASIC team led by project manager Isabella Allen.

70. Ms Allen has tertiary qualifications in accounting and management, and a background working in tax accounting and insolvency. She had joined ASIC as an investigator in March 2020.

71. ASIC staff who are involved in the execution of search warrants must complete mandatory training in this area. Ms Allen completed hers on 13 October 2020. On the same day she undertook additional modules relating to work health and safety, and personal protective equipment. Due to Covid restrictions, Ms Allen was not able to participate in an 'in person' training course on how to deal with distressed or vulnerable people. However, she had undertaken similar training in a previous role at an insolvency accounting practice.

72. By early November 2020 the ASIC team had strong grounds to suspect not only that Ms Caddick was operating a financial scheme without a licence, but that the scheme itself was completely fraudulent. Information gathered from banks and investors indicated that Ms Caddick had never transferred her clients' funds into trading accounts, had never engaged in trading on their behalf, and had used their money for her personal benefit.

73. On 9 November 2020 the ASIC team successfully applied for search warrants under section 3E of the *Crimes Act 1914* (Cth).

74. To protect the funds of investors who may have been defrauded, the team also sought and obtained an urgent Federal Court order, freezing the contents of bank accounts held by Ms Caddick and Maliver Pty Ltd.

The preparation for executing the search warrants

75. Granted on 9 November 2020, the search warrants authorised searches of Ms Caddick's home, her person, and her safety deposit box held with National Australia Bank. The warrants were issued to Federal Agent Amelia Griffen of the Australian Federal Police [the AFP], who was named on the search warrants as the Executing Officer.

76. Federal Agent Griffen and her AFP colleagues thus became responsible for the management and formal execution of the search warrants. This involved gaining entry into Ms Caddick's home, giving her a copy of the search warrants, informing her and the other occupants of their rights, and supervising them to ensure they did not hinder the search or attempt to remove evidence.

77. The ASIC officers, on the other hand, were responsible for the search for property which met the stated conditions within the warrants: namely, items relating to Ms Caddick and her associates, as to which there were

reasonable grounds to suspect they would afford evidence of the commission of dishonesty offences and dealing with the proceeds of crime.

78. Then as now, ASIC's policies and protocols required that officers undertake a risk assessment when preparing for the execution of a search warrant. This task was completed between the period 22 October 2020 and 3 November 2020.

79. ASIC's risk assessment identified that Ms Caddick [redacted]. Importantly, it also highlighted that [redacted].

80. Similarly when the AFP accepts a request to assist with a search warrant from another agency, the AFP team must prepare a Tactical Planning Assessment. Its purpose is to identify and minimise any risks of harm to the public or to police officers. The Tactical Planning Assessment prepared by Federal Agent Amelia Griffen highlighted [redacted]

81. On 9 November 2020, Ms Allen led an operational briefing session with the ASIC and AFP teams who would be involved in executing the search warrant. The AFP team included Federal Agent Griffen and Federal Agent Rod Ramilo, who was the most senior AFP officer directly involved in the search.

82. Aiming to expose Witness B as little as possible to the work of the searching officers, ASIC and AFP staff agreed upon the following steps:

- to search the household's cars first so Witness B could get to school on time
- to search the dining area of the house at an early stage so he could be given breakfast before leaving for school
- to delay the entry of the full complement of ASIC officers, until after he had been taken to school.

The execution of the search warrants

83. The search was to commence early on the morning of 11 November 2020. This was to ensure that Ms Caddick would be at home, enabling the team to search any electronic devices on her person.

84. The account which follows is the largely undisputed evidence of the day's events. It is derived from the witness statements and oral evidence of those involved, together with video obtained from a CCTV camera in Ms Caddick's home, and audio-visual recordings made at certain times during the day by Federal Agent Ronald Knighton.

85. At 6.07am, Federal Agent Griffen knocked on the front door of Ms Caddick's house and shouted '*police search warrant*'. She was accompanied by seven AFP colleagues. According to Federal Agent Griffen, Ms Caddick opened the door with '*a shocked expression on her face'.*

86. Federal Agent Griffen was recorded speaking to Ms Caddick in the lounge room of the house, with Mr Koletti and Witness B also present. Ms Caddick was cautioned and given a copy of the search warrants, together with documents '*Rights of the Occupier'* and '*Rights of the Person Being Searched'.* The recording was suspended while she read the documents, and in order to allow the occupants to prepare for their day. During this period, four ASIC officers including Ms Allen joined the AFP officers who were present.

87. By 7.05am the cars belonging to Ms Caddick and Mr Koletti had been searched, and Mr Koletti left to drive Witness B to school. More ASIC officers then arrived. Mr Koletti returned about fifteen minutes later and joined Ms Caddick in the backyard, where she was drinking coffee and smoking a cigarette.

88. Meanwhile the search commenced. It involved eight AFP members, eleven ASIC staff and two digital forensic officers employed by ASIC. The main areas of search were Ms Caddick's bedroom and walk in wardrobe, and her office. These parts of the search were recorded by Federal Agent Knighton.

89. Inside a safe in Ms Caddick's dressing room, the searching officers found currency and many pieces of jewelry. In a quiet voice, Ms Caddick can be heard providing estimates of the value of the jewelry, and identifying pieces as belonging either to herself or to Mr Koletti.

90. Many items of clothing and jewelry were removed, selected on the basis that they appeared to have high material value and could afford evidence of dealing with the proceeds of crime. According to Ms Allen however, the search team was unable to take everything and many items remained.

91. By 12.25pm the physical search of the house was complete, and seven ASIC officers left. The remaining officers continued with a digital search of electronic devices such as phones and computers. The contents of Ms Caddick's mobile phone were downloaded. From this time until its completion at 6.22pm, the search team comprised six AFP agents, five ASIC officers, and two additional forensic computer specialists.

92. Mr Koletti left the house again at 2.34pm, returning with Witness B about an hour later. According to Federal Agent Griffen, Witness B appeared to be '*low key'* and went into his bedroom, remaining there.

93. Throughout the day Ms Allen observed Mr Koletti to behave in a caring way towards his wife, telling her '*it's fine'* and *'we'll be ok, you've done nothing wrong'.* Video obtained from the home's CCTV shows that on several occasions the couple retreated to their backyard. There they can be seen talking quietly, drinking cups of coffee and smoking cigarettes.

94. The AFP video records that at 5.47pm, Federal Agent Phillip Steel commenced a review of the entries in the Property Seizure Records with Ms Caddick, then gave her copies of those records. The last remaining officers left the house at 6.22pm. Although some months later Mr Koletti asserted that the officers did not leave until some time later, this is contrary to the weight of the evidence.

95. I will note at this point that several months afterwards, members of Ms Caddick's family began to make claims that the involved officers had mistreated Ms Caddick that day.

96. Mr Koletti and Ms Barbara Grimley (who was not present at the house on the day of the search) accused ASIC and AFP officers of a '*cruelty and inhumanity'* which led Ms Caddick to take her own life. Mr Koletti and Ms Grimley have gone so far as to accuse ASIC project manager Ms Allen of being personally responsible for Ms Caddick's death.

97. These claims and the evidence in relation to them are addressed later in these findings.

Events between 11 and 13 November 2020

98. Anthony Koletti has provided police and the media with numerous accounts of what happened after the last officers left the home on 11 November 2020. However, the following is a brief summary of what is known from other sources.

99. At approximately 6.49pm on 11 November 2020 Ms Caddick rang legal firm Armstrong Legal, and made an appointment to see a criminal lawyer in their city office at 10.00am the following morning. She then paid an online deposit for the appointment. According to the firm's file note, Ms Caddick was seeking urgent advice and representation regarding a *'raid'* and an ASIC order that she attend and supply documents in the Federal Court on 13 November 2020.

100. Shortly afterwards Ms Caddick sent an email to a physiotherapist with whom she had an appointment for the next day, which she cancelled.

101. Armstrong Legal rang Ms Caddick's mobile phone at about 10.33am the next morning, as she had not turned up for her appointment. The call was not answered and they sent some texts, which also went unanswered.

102. Ms Caddick did not attend the Federal Court hearing when it commenced at 9.49am on 13 November 2020. Mr Koletti dialled into the hearing and learned that his wife was not in attendance

103. Mr Koletti then rang Federal Agent Griffen, telling her that he had not seen his wife since 5.30am on 12 November 2020. Federal Agent Griffen advised him to call the local police and to contact family and friends.

104. Mr Koletti followed this with a call to Ms Allen at 10.23am. He told her he was worried about Ms Caddick and thought she had disappeared. She had gone into the city on 12 November 2020 to speak to a lawyer, and had told him she would stay in a hotel. Like Federal Agent Griffen, Ms Allen suggested he contact the NSW police.

105. At approximately 11.45am on 13 November 2020 Mr Koletti rang Rose Bay Police Station to report that Ms Caddick was missing. He said she had left home the previous day in her gym clothes. According to the police record, he sounded *'calm'* and '*insisted he didn't have time on a number of occasions'* to come into the police station to make the report.

106. Mr Koletti's report sparked a major police search. I now turn to one of the key issues of the inquest: whether the police investigation into Ms Caddick's disappearance was adequate.

The adequacy of the NSWPF investigation

An overview of the police investigation

107. As the following overview reveals, the scale of the investigation into Ms Caddick's disappearance was of necessity very broad.

108. Extensive land, air and water searches for Ms Caddick were conducted over many weeks, but they found no trace of her. Nor did enquiries with her family and friends.

109. In the days and weeks following Ms Caddick's disappearance police canvassed hundreds of local properties, hoping to recover CCTV footage which might have captured her movements after she left her home. An immense amount of footage was gathered, all of which required review. This was a necessary but lengthy and painstaking task, which ultimately failed to reveal any images of her.

110. The police investigators also obtained statements from each of Ms Caddick's approximately seventy investors, to ascertain if any were likely to have harmed her. These did not uncover any leads.

111. From the outset, Ms Caddick's disappearance attracted national media coverage and intense public interest. There was a multitude of reported sightings and a host of theories as to what had happened to her. These ranged from the credible to the frankly bizarre.

112. Each of these reports was reviewed and in appropriate cases followed up, but in the end none yielded any reliable information.

113. On 21 February 2021 there was a dramatic development. Ms Caddick's right foot and shoe washed up on the shores of a remote southern beach, triggering investigations of a different kind. Expert reports were sought from specialists in the fields of forensic pathology, orthopaedics, psychiatry, marine biology and oceanography.

114. In all, hundreds of witness statements were obtained - from the police officers who searched for Ms Caddick, from Ms Caddick's clients and family members, and from officers involved in the ASIC investigation and search warrants. It was, as Mr Gyles SC commented in submissions on behalf of the Commissioner, an operation of very considerable scale and strategy.

115. The subsequent inquest into Ms Caddick's disappearance heard thirteen days of evidence from many of the above witnesses.

116. It was hoped that such an extensive investigation and inquest would uncover the truth about Ms Caddick's dramatic disappearance. Was she deceased? And if so, how, when and where had this happened?

117. However in closing submissions Counsel Assisting has contended that while the evidence is able to establish that Ms Caddick is deceased, it does not enable conclusions as to how, when and where she died.

118. This is contrary to the stance of Mr Koletti and the Commissioner. They submit not only that Ms Caddick is deceased, but that positive findings can be made that she ended her life by jumping from the cliffs near her home on 12 November 2020.

119. I have accepted that the evidence establishes that Ms Caddick is deceased, for the reasons which appear below. More problematical is the question of whether positive findings can be made as to the cause and manner of her death. The evidence relating to this issue is also addressed later in these findings.

120. Counsel Assisting have submitted that certain shortcomings in the police investigation, in particular in its early stages, have contributed to the outcome that findings cannot be made as to the cause and manner of Ms Caddick's death. Also contributing to this outcome is what Counsel Assisting have described as the inherent unreliability of Mr Koletti.

121. The investigative shortcomings identified by Counsel Assisting are first, the dismissal at an early stage of the possibility that Ms Caddick had been harmed by anyone; and secondly, delays in the critical task of canvassing for CCTV footage in the area around Ms Caddick's home.

122. By way of background, in the following pages I describe in more detail:

- the police investigation's key events
- how and when the investigation was brought to the attention of the NSWPF's Homicide Squad
- the many interactions which took place between Mr Koletti and the police investigators
- the discovery of Ms Caddick's right foot on 21 February 2021
- the forensic examinations which ensued.

The first ten days of the police investigation

123. The police investigation into Ms Caddick's disappearance did not commence until Mr Koletti reported it at 11.44am on Friday 13 November 2020. This, as was pointed out in the Commissioner's submissions, was at least 30 hours after she was said to have last been seen, and almost 42 hours after the last ASIC and AFP officers departed her home.

124. On 13 November 2020 Sergeant Trent Riley was the general duties mobile supervisor at the Eastern Suburbs Police Area Command [the Eastern Suburbs PAC].

125. Sergeant Riley became aware that Mr Koletti had rung Rose Bay Police Station to report his wife missing, and he promptly dispatched Constables Amelia Cameron and Courtenay Riseam to take a report from Mr Koletti in person. The police officers had to go to Ms Caddick's home to speak with Mr Koletti, as he had told Sergeant Riley that he was too busy working to attend the police station until later that day.

126. Sergeant Riley joined Constables Cameron and Riseam at Ms Caddick's home. With Mr Koletti's consent they made a search of the house. Notably,

all three officers felt uneasy about Mr Koletti's demeanour and some of the things he told them. He appeared strangely unperturbed about his wife's disappearance. Furthermore his delay in reporting it did not make sense to them, and he frequently contradicted himself when recounting the events of the past two days.

127. From Ms Caddick's home the three officers went to interview Witness B at his school. Discrepancies with some of Mr Koletti's information were immediately apparent, adding to their sense of disquiet. For example, Mr Koletti had told them that he didn't think he had left the home the previous evening, but according to Witness B, Mr Koletti had gone out looking for Ms Caddick on three separate occasions.

128. Later that afternoon Constable Cameron prepared a report for police records. She then commenced writing a risk assessment, which Supervisor Sergeant Pascal Serret completed that evening when he came on shift. The risk assessment and its implications are further discussed later in these findings.

129. The physical search for Ms Caddick began that afternoon, and continued in the following days and weeks.

130. During that first weekend police made enquiries with hotels, hospitals, airports and phone companies. They also commenced a canvass for CCTV footage, largely from houses in Wallangra Road. No footage was recovered.

131. On Monday 16 November 2020, Detective Inspector Gretchen Atkins appointed Detective Sergeant Michael Kyneur as the Officer in Charge of the investigation. DI Atkins was and is the Crime Manager for the Eastern Suburbs PAC, in which role she supervises all criminal investigations within the area.

132. DS Kyneur has been a NSW police officer since 1994. At the time of Ms Caddick's disappearance he was the Team Leader and Missing Persons Coordinator for the Eastern Suburbs PAC. He had managed numerous missing persons investigations.

133. At DS Kyneur's request, on 16 November 2020 Mr Koletti came to Bondi Police Station to provide a statement. DS Kyneur noticed that it contained a number of inconsistencies with his earlier account. Overall DS Kyneur was left with the impression that Mr Koletti may have had information about where Ms Caddick was, but did not want to share it with police. He thought Mr Koletti was not telling the truth *'either intentionally or not'*.

134. A priority was to gain the CCTV hard drive, which ASIC had removed during the search of Ms Caddick's house on 11 November 2020. Police investigators were hopeful that Ms Caddick's presumed exit from the house had been captured, and would be revealed once the hard drive was reconnected to the home's security system. But once this was done they were disappointed to find that no vision had been recorded after 5.30pm on 11 November 2020.

135. DS Kyneur and DI Gretchen Atkins were each of the view that it was unlikely Ms Caddick had been harmed by anyone. By the end of the week of 16 November 2020, that possibility was '*off the table',* according to DI Atkins. The search of the home had not found anything suspicious, and there were

no signs of struggle or violence. And despite their concerns about Mr Koletti's veracity, they did not think it was likely he had harmed her.

136. On 20 November 2020, police arranged what is called a 'media stand up' at Bondi Police Station. This was an appeal for public information, at which Mr Koletti and Ms Caddick's brother Adam addressed media representatives. With Mr Koletti's permission police then conducted a further, brief, search of the Caddick home. It did not detect anything of consequence.

137. Over the weekend of 21 November 2020, DI Atkins made a decision to replace DS Kyneur as the Officer in Charge of the investigation. Ten days of investigation had uncovered no leads as to Ms Caddick's whereabouts. DI Atkins told the inquest that she wanted a '*fresh set of eyes'* to take over the job.

The investigation led by Detective Sergeant Foscholo

138. Detective Sergeant Michael Foscholo assumed responsibility for the investigation on Monday 23 November 2020, ten days after Ms Caddick had been reported missing. DS Foscholo had been a police detective since 2009, and had recently become a team leader within Bondi Police Station's criminal investigation office.

139. One of DS Foscholo's first tasks was to significantly expand the search for CCTV footage. Dissatisfied with Mr Koletti's accounts of when he had last seen his wife, DS Foscholo instructed his team to seek CCTV footage from the last point at which it could be objectively verified that she had been seen. This was late on the afternoon of 11 November 2020, when the last ASIC and AFP officers departed.

140. This second week also saw a review of the investigation material by officers of the Homicide Squad, about which more is said below. One of the outcomes of this review was that the police investigation obtained for the first time a list of the clients suspected of having been defrauded by Ms Caddick. DS Foscholo directed that statements be obtained from each one, a sizeable but necessary task.

141. Meanwhile on 24 November 2020 Mr Koletti attended Bondi Police Station once again, to participate in an electronic interview with DS Kyneur and DS Machado. Mr Koletti again appeared muddled and confused, proferring yet more details which did not fit with those he had previously provided.

142. DS Kyneur remained of the view that Mr Koletti had information about Ms Caddick's whereabouts, but was not sharing it with police.

143. On 2 December 2020, again with Mr Koletti's consent, DS Foscholo ordered a crime scene examination of Ms Caddick's home and their two cars. This kind of examination is conducted by forensically trained police officers, with the use of specialist equipment including infrared and ultraviolet light which can highlight signs of bloodstains and attempts to clean them.

144. The three hour examination did not yield any relevant information, although as was conceded by one of the officers, a crime scene examination is more effective when conducted closer in time to the originating event and not some nineteen days later.

145. The land, sea and air searches continued, as did canvassing for CCTV material. By mid-December 2020 DS Foscholo was becoming concerned about the sheer quantity of CCTV that was awaiting review by his team. In January 2021 DI Atkins managed to supply additional resources to help with the CCTV review. In her words, she had to *'beg, borrow or steal staff who could sit in front of a computer screen'.* Her evidence is that she reached a point where she had no more resources to provide to DS Foscholo.

146. On 15 February 2021 there was a three-month review of the investigation, which was attended by high-ranking officers including DI Atkins and Detective Chief Inspector Glen Browne, who was at that time manager of the NSWPF's Missing Persons Registry.

147. At this meeting DCI Browne was concerned to hear DS Foscholo's report that only 20% of the gathered CCTV material had been reviewed. In his opinion, this was too slow. DS Foscholo took the opportunity to request more resources, but it is unclear if this met with success. DI Atkins told the court she does not believe she went back to DCI Browne for more staff.

148. By 10 March 2021 an estimated 90% of the CCTV footage had been reviewed. Unfortunately, none of it contained any images of Ms Caddick.

The discovery of Ms Caddick's foot and shoe

149. On 21 February 2021 Ms Caddick's shoe containing her decomposed right foot were discovered on Bournda Beach, a remote shoreline some 450 kilometres south of Sydney.

150. This was a dramatic development. For Ms Caddick's family the news must have been very painful. It certainly raised the possibility that she had died and was forever gone from their lives.

151. For the investigating police, the discovery raised immediate and obvious questions. Could the remains reveal whether Ms Caddick was deceased and if so, when and how this had happened?

152. Extensive forensic examinations of the shoe and foot followed.

The medical investigation

153. DNA extracted from the foot confirmed beyond reasonable doubt that the remains really were those of Melissa Caddick. The DNA matched that of buccal samples provided by Ms Caddick's parents.

154. Forensic pathologist Dr Jennifer Pokorny performed a post mortem examination of the shoe and its contained foot. These were also examined by forensic anthropologist Dr Denise Donlon.

155. Dr Pokorny and Dr Donlon observed that the foot had suffered *' .. extensive decomposition changes and pronounced erosion of the bones',* in particular on its upper aspect which had lost almost all of its soft tissue. This was likely the result of post mortem predation by birds and marine organisms.

156. Dr Pokorny concluded that the foot's decompositional changes were in keeping with it having been in water for a prolonged period. But due to the

loss of soft tissue she could not determine the length of that period, or the circumstances in which the foot had separated from the body.

157. Importantly, Dr Pokorny also concluded that:

> *' … amputation of the foot at the level of the ankle would not in itself be considered a lethal injury; as such death, as well as cause of death, cannot be established on the basis of these post mortem findings alone'.*

158. Of itself therefore, the autopsy examination does not enable a finding that Ms Caddick is deceased.

159. The foot had suffered injuries, revealed in CT and x-ray scans. There were fractures to its metatarsals, which are the bones at the forefoot which connect to the bones of the toes. In addition the foot was missing most of its talus, the bone which makes up the lower part of the ankle joint.

160. Dr David Lunz is an orthopaedic surgeon with a sub-specialty in foot and ankle surgery. He was asked how the foot may have separated from Ms Caddick's body, and what had caused its injuries. Specifically, was he able to determine if the injuries had occurred as a result of Ms Caddick falling from a height?

161. In his report Dr Lunz said it was not possible to answer these questions. Based on his examination he concluded that blunt force trauma, rather than sharp force trauma, was the more likely explanation for the foot's fractures. But he could not determine whether these had occurred before or after the foot had separated from Ms Caddick's body.

162. In supplementary reports, pathologist Dr Pokorny and radiologist Dr Mohamed Nasreddine concurred with Dr Lunz that the cause of the fractures could not be determined. The foot was in very poor condition. This together with the lack of more complete remains made it impossible to discern any pattern to the fractures which might point to their likely cause.

163. When Ms Caddick's foot was discovered, one of many theories which circulated was that she or another person had amputated it in order to stage her disappearance.

164. But Dr Lunz thought it was unlikely that a person who was not medically trained could do this. The pain would be extreme, as significant force would be required to cut through the bones. And once the foot was severed, post surgical care would be critical. As he explained:

> *' … the person would lose a fair amount of blood and would need sterile bandages to tamponade the bleeding. There would be a very high risk of the person developing an infection in the open stump which, if untreated, could be fatal'.*

165. Overall, Dr Lunz considered that survival after self amputation without medical treatment was '*feasible'.* But it was only possible if the blood loss was controlled and the wound did not become infected. Healing would take a few months, and the person would be unable to walk without a prosthetic foot.

166. But as he went on to explain, any specialist prosthetist ‘ .. would be able to see that the amputation was not medically performed and would ask questions about it.’

167. After receiving Dr Lunz’s opinion, enquiries were made with NSW prosthetists as to whether, since 11 November 2020, they had been consulted to provide a prosthetic right foot to a woman aged between 45 and 55 years of age. None had.

168. The medical examinations of Ms Caddick’s foot therefore have not been able to establish whether she has died and if so, how or when this happened.

169. They do however enable the conclusion that it is most *unlikely* Ms Caddick’s foot separated from her body as a result of a deliberate act to sever it, performed either by herself or with the assistance of others.

The marine forensic investigation

170. The discovery on Bournda Beach also sparked a series of forensic investigations as to how the shoe and foot had got there.

171. Since 11 or 12 November 2020 there had been no reliable sightings of Ms Caddick anywhere. Certainly there had been none indicating that her body had gone into the ocean. With the discovery of the shoe and foot on the shores of Bournda Beach, was it possible to trace back their journey, to identify the likely time and place they had entered the sea?

172. At an early stage in their investigation, police requested an expert report from PhD student Mr Thomas Mesaglio, and marine scientists Professor Iain Suthers and Professor Shane Ahyong. They were asked if they could estimate how long Ms Caddick’s shoe and foot had been in the sea.

173. The authors made a forensic examination of small barnacles which had attached to the sole and rubber sides of the shoe. Their study of these organisms revealed one part of the shoe’s journey to its resting place.

174. The barnacles were from a species known as *Lepas,* or goose barnacles. These marine creatures commonly live on drifting material and flotsam, but they die within a few hours of being cast ashore. The authors estimated that these particular barnacles had been approximately 40-53 hours old when their host shoe washed on up on the beach. They were ‘*newly settled cyprid larvae … that had not metamorphosed into juveniles’*.

175. Significantly, barnacle larvae do not attach to objects which are on the sea bed, or in the intertidal zone where waves wash up onto the beach. They settle only on objects which are floating at the open ocean’s surface, or at its mid-depth. Mesaglio et al were therefore able to conclude that before washing up on the shore, the shoe had been free floating on the surface of the ocean for a period of time, buoyed by its design.

176. The authors also advised that barnacle larvae are unable to attach to an object until a biofilm has developed on its surface, a process which in favourable conditions takes three to four days to complete.

177. Therefore, based on the life cycle of its encrusted barnacles, the shoe had reached the ocean surface at some point between three and seven days prior to washing ashore around 21 February 2021.

178. Where had the shoe been before it commenced this period of free floating? The authors hypothesised that it must have spent time at the greater depths of the ocean. It was very discoloured, and its contained foot was heavily decomposed. They then asked themselves why, if this was the case, the shoe did not show evidence of the kind of organisms which settle on objects in the deep sea.

179. The absence of these organisms, they concluded:

> *' … suggests either a short submergence time at depth, or that the circumstances of the shoe and foot prevented settlement of biofoulers, such as being artificially enclosed inside a bag or other material, or subject to shark depredation'.*

180. Shark depredation, they suggested, could also explain how the foot and shoe became disconnected from Ms Caddick's body before travelling to the ocean's surface.

181. The report of Mesaglio et al therefore provided one piece of the puzzle. During the approximate period 14 to 21 February 2021 Ms Caddick's foot and shoe had likely been floating towards Bournda Beach on the surface of the ocean, having separated from her body.

182. But the authors of the report were not able to ascertain how long the foot and shoe had been in the ocean prior to that period.

The oceanographic investigation

183. The police investigators next sought an expert opinion from tidal movement oceanographer Professor Moninya Roughan. They asked if she could determine where and when Ms Caddick's body had first entered the ocean. Taking the cliff line at Dover Heights as a potential point of entry, was it feasible that the foot and shoe had taken the 100 days since Ms Caddick's disappearance to reach Bournda Beach?

184. Professor Roughan and co-author Dr Amandine Schaeffer produced a report on 14 June 2021.

185. The authors described the southern ocean area of NSW as '*a highly dynamic region'*, dominated by '*the East Australian Current and large scale eddies'.* These could be hundreds of kilometres in diameter, and rotate either clockwise or anticlockwise. In their opinion, during the period November 2020 to February 2021 the surface circulation trajectories showed '*a dominant southward drift',* albeit one modulated by local eddies and wind.

186. Ultimately the authors concluded that it was '*unlikely although not impossible'* that a floating object could have taken 100 days to make the journey from Sydney to Bournda Beach. Taking into account the prevailing oceanographic conditions, they considered a period of between 10 to 70 days to be more likely.

187. A likely travel period of 10 to 70 days met with agreement from Dr David Griffen, an oceanographer and Principal Research Scientist at the CSIRO. However in his expert report and oral evidence, he disagreed that a period of 100 days was substantially less likely than 10-70 days:

' … simply because the paths taken by drifting items in this area are so variable, ranging from rapid trips along the shelf (10 or more days) to looping paths around eddies…'.

188. Dr Griffen also noted that Professor Roughan and Dr Schaeffer had based their estimates on the assumption that the shoe had been travelling at the *surface* of the ocean. Had it been at the seafloor for some of the time, it would be expected to travel more slowly and in different directions.

189. In light of these variables, Dr Griffen did not agree that it was unlikely that the shoe could have taken 100 days to travel from Sydney to Bournda Beach. It was quite feasible, '*given the chaotic, energetic nature of ocean circulation',* for it to have travelled from Sydney to southern New South Wales in the period between November 2020 and February 2021 regardless of depth, provided it was able to free drift.

190. However, so complex were the possible trajectories that in Dr Griffen's opinion the shoe's range of starting point could have been as far north as Brisbane and as far south as Hobart.

191. The oceanographic evidence therefore establishes that it is possible Ms Caddick's body entered the waters off Dover Heights on or about 12 November 2020. However there can be no certainty that about this, due to lack of evidence as to the depth at which it travelled, and the variables in ocean drift direction and drift velocity. According to Dr Griffen, it was possible that Ms Caddick's body had gone into the water at innumerable coastal points between Hobart and Brisbane.

192. Later in these findings I will discuss the implications of the medical and oceanographic evidence and in particular, whether it assists a conclusion as to the cause and manner of Ms Caddick's death.

193. The above is a lengthy description of the course and content of the police investigation into Ms Caddick's disappearance. I will now consider whether the investigation was adequate, and if it was not, whether any shortcomings may have compromised the ability to find the cause and manner of Ms Caddick's death.

DS Kyneur's investigative focus

194. Counsel Assisting submitted that the evidence identified particular shortcomings in the initial stages of the investigation led by DS Kyneur; and some shortcomings (albeit of lesser significance and potential impact) in the period following DS Foscholo's appointment as OIC. In their submission, these created the real risk that ' .. *by not pursuing particular lines of enquiry early, critical information which might shape the direction of the investigation'* may have been lost.

195. The principal criticisms of DS Kyneur's investigation were first, his dismissal at an early stage of the possibility that Ms Caddick had been harmed by

another person; and secondly, delays in the task of canvassing for CCTV footage.

196. During the ten days that he was the Officer in Charge of the investigation, DS Kyneur did not notify Ms Caddick's disappearance to the NSWPF's specialist Homicide Squad. That he did not do so is said to have stemmed from his '*premature*' acceptance that it was unlikely she had been harmed or killed by another person.

197. Counsel Assisting submitted that on the evidence, an early referral to the Homicide Squad was strongly indicated. This was on the basis of the NSWPF's Missing Persons Standard Operating Procedures, as well as:

- the 'High Risk' assessment assigned to Ms Caddick's disappearance by the first responding police officers and
- DS Kyneur's own suspicions about Mr Koletti's veracity.

198. I will firstly explain the circumstances in which a missing persons investigation must be referred for Homicide Squad review, pursuant to NSWPF procedures.

The requirement to notify the Homicide Squad

199. When a person is reported missing, the report is automatically notified to the NSWPF's Missing Person Registry [MPR]. The staff of this specialist police unit review each report, and provide advice and guidance throughout the investigation. At the time of Ms Caddick's disappearance, the MPR was headed by Detective Chief Inspector Glen Browne, although he now occupies the role of Investigations Coordinator with Homicide Squad.

200. The MPR has Standard Operating Procedures [the Missing Person SOPs] which were introduced in 2020. These are intended to guide the investigative response of all police officers. The Missing Person SOPs which applied at the time of Ms Caddick's disappearance remain in force today, although an amended version has been developed by DCI Browne and is presently being considered by the Commissioner.

201. Then as now, the Missing Person SOPs required that the Officer in Charge of the investigation notify the NSWPF's Homicide Squad where a homicide was suspected. However a second, and lower threshold for notification was mandated by the Missing Person SOPs: namely, where the circumstances surrounding the disappearance were '*suspicious'.*

202. *'Suspicious circumstances'* are defined as the possibility that a person is not voluntarily missing, and may be detained and/or have come to harm by a known or unknown person. This, said DCI Browne in his evidence, boiled down to ' .. *circumstances that could potentially lead you to the view that a homicide had occurred'*.

203. Counsel Assisting contended that these circumstances were present during the first week of the investigation, based on its 'High Risk' assessment and the pervasive concern that Mr Koletti had been withholding information from police.

The Risk Assessment

204. A Risk Assessment in relation to Ms Caddick's disappearance was prepared on the night of 13 November 2020. Supervising Sergeant Pascal Serret reviewed and finalised this document, after reading a report prepared by Constable Cameron. Sergeant Serret had also received a phone call from Mr Koletti in which the latter struck him as sounding '*very confused', 'disordered, upset and frantic'*. He appeared to be *'fixated'* on having Ms Caddick's mobile phone returned to him.

205. Sergeant Serret assigned a 'High Risk' rating to Ms Caddick's disappearance, noting that:

> *'There is a significant possibility that the MP [Missing Person] has been injured or killed by another person (possibility of the PR [Person Reporting]) as a result of her criminal activity. There also exists the real possibility that the MP has fled or committed self harm in the face of her pending prosecution'.*

206. The Risk Assessment thus identified three possibilities as to what had happened to Ms Caddick. These were the '*significant possibility'* that she had been harmed by another person, and the '*real possibilities'* that she had taken her own life, or had voluntarily gone into hiding.

207. Sergeant Serret's reasons for assessing the circumstances to be suspicious were as follows:

> *'Person reporting is husband, several versions of events provided by PR. Very in consistant [sic] and nervous. MP also left all belongings at home inc wallet, phone, keys and has no access to finances due to frozen bank acc.'*

208. At the inquest, DCI Browne and DI Atkins agreed that the 'High-Risk' rating assigned to Ms Caddick's case would meet the threshold for referral to the Homicide Squad, in accordance with the Missing Persons SOPs. This was on the basis that the circumstances had been assessed as suspicious. Yet DS Kyneur had not taken this step.

209. In his evidence DCI Browne provided this caveat to the above opinion: that referral would not necessarily be required if ' … *police had other information that caused them to discount the possibility that Ms Caddick had been harmed or killed'.*

210. However in deciding if this was the case, DCI Browne said he would have expected DS Kyneur to discuss with Segeant Serret and Constable Cameron the rationale for their assessment that there was a significant possibility Ms Caddick had been killed or harmed. There was no dispute that DS Kyneur had not done this.

211. Nevertheless, at the inquest DCI Browne resisted the proposition that DS Kyneur *'ought'* to have made a notification to the Homicide Squad. This was because he did not consider himself to be sufficiently aware of the details to *'provide an informed opinion on what was done or not done'.*

212. With due respect to DCI Browne, his circumspection on this point is somewhat at odds with evidence that during the first week of the investigation, he developed significant concerns that DS Kyneur was not sufficiently open to the possibility that Ms Caddick had met with foul play.

213. It also does not sit comfortably with the steps DCI Browne himself took to bring the matter to the attention of the Homicide Squad, as I will now describe.

The involvement of DCI Browne

214. The following account is substantially based on evidence which DCI Browne, DI Atkins and DS Kyneur provided in their statements and oral evidence at the inquest.

215. On Thursday 19 November 2020 DCI Browne became aware that the Risk Assessment in relation to Ms Caddick's disappearance had identified homicide as a *'significant possibility'*. DCI Browne contacted DS Kyneur that day for an overview of the investigation. DS Kyneur indicated that he thought Ms Caddick had most likely gone into hiding.

216. But although DCI Browne was relieved that a police officer of DS Kyneur's seniority had been assigned to the case, he was troubled that DS Kyneur had prioritised the *'voluntarily hiding'* line of inquiry at such an early stage in the investigation. In his words at the inquest: '*It's very important to keep an open mind'*.

217. DCI Browne therefore emphasised to DS Kyneur that in missing person cases especially, lines of enquiry should not be dismissed too early due to the risk that evidence would be lost. CCTV evidence in particular needed to be gathered as rapidly as possible, as relevant footage can quickly disappear if owners unwittingly record over it.

218. A day after this discussion DCI Browne rang DI Atkins, in part to convey his unease that '*a specific line of enquiry was being pursued'* to the '*detriment of others'.* As he described it at the inquest, he felt that '*the weight of the investigation ought to be spread more evenly'.*

219. DI Atkins agreed that DS Kyneur 'thought that the most probable explanation was that Ms Caddick was 'missing voluntarily' and had gone to ground, possibly to the knowledge of her husband'. As a result of this stance, the possibility of homicide had been taken 'off the table' by 20 November 2020.

220. At the inquest DI Atkins conceded that in her view DS Kyneur had been too focused on the possibility that Ms Caddick was hiding, *'and not enough on the equal possibility of suicide'.* Inferentially it was this concern which caused her to reassign the investigation to DS Michael Foscholo. As she expressed it in her statement:

> *'I formed the view that the investigation would benefit from a fresh set of eyes, being someone who had no preconceived ideas and would have an open mind about all possibilities'.*

The involvement of the Homicide Squad

221. DCI Browne's next step was to speak with Detective Chief Inspector Andrew Marks, who was the 'on call' Inspector for the Homicide Squad on 20 November 2020. DCI Browne wanted to know if the Caddick investigation had been notified to the Homicide Squad. It had not. DCI Browne therefore asked his colleague to ensure there were no suspicious circumstances surrounding Ms Caddick's disappearance.

222. DCI Marks decided that the Homicide Squad should carry out a 72 hour review of DS Kyneur's investigation 'to ensure all investigative avenues were considered and pursued, and no evidence of suspicious behaviour identified'.

223. The review by the Homicide Squad commenced on 24 November 2020. It resulted in two steps of significance being taken:

- ASIC was requested to provide a list of all persons and companies who had allegedly been defrauded by Ms Caddick, with their contact details
- advice was reinforced to DS Foscholo (who was by then the OIC for the investigation) that, in the words of DCI Browne, '*it was pressing that CCTV canvassing and witness canvassing be pushed up'.*

224. At the conclusion of the 72 hour response DCI Marks formed the view that Ms Caddick had most likely taken her own life, or was avoiding detection. The Homicide Squad were not further involved until March 2021, when their assistance was again requested with the preparation of the coronial brief. This request was triggered by the discovery of Ms Caddick's foot and shoe on 21 February 2021.

225. As can be seen, the Homicide Squad's 72 hour response came about due to the intervention of DCI Browne, and was not the result of action taken by DS Kyneur.

226. It is reasonable to conclude that during the week of 16 November 2020, DCI Browne held concerns that DS Kyneur had prematurely dismissed the possibility that Ms Caddick had been harmed by another person. The steps DCI Browne took are strongly suggestive of an opinion on his part that there were sufficient reasons to regard the circumstances as suspicious, and in need of review by the Homicide Squad.

The second criticism: the CCTV canvassing

227. The second deficiency identified in Counsel Assisting's submissions was delay in the gathering and review of CCTV material.

228. DS Kyneur initiated a CCTV canvass on the afternoon of Friday 13 November 2020. He instructed Detective Senior Constable Bellemore to carry out enquiries for CCTV footage along what he assessed to be the most direct route from Ms Caddick's house to Rodney Reserve and its adjacent cliff line. This encompassed Wallangra Road and its adjoining streets of Lyons Street and Dover Road.

229. Unfortunately SC Bellemore understood that he was being instructed to search along Wallangra Road *between* Lyons Street and Dover Road. The

result was that by Monday 16 November 2020, with the exception of two particular addresses, the only houses that had been canvassed were those along Wallangra Road.

230. In his evidence DCI Browne repeatedly advocated the importance, at the earliest possible stage, of locating and reviewing CCTV footage which might depict the movements of the missing person. Thus in his discussion with DS Kyneur on 19 November 2020, he had pointedly advised that CCTV canvassing had to be a '*very strong focus'* of his investigation and that it required a significant effort.

231. It appears that DCI Browne reinforced this point with DI Atkins as well. In her evidence she agreed that in the week of 16 November 2020 DCI Browne expressed concern to her that the critical task of canvassing for CCTV was progressing too slowly.

232. DCI Browne's interventions evince a concern on his part that in the early stages of the investigation, insufficient effort was being put into the task of CCTV canvassing. In the following weeks, his concern extended to a perceived lack of progress in the reviewing of the CCTV material as well.

233. I have noted that one of DS Foscholo's first tasks on being appointed as OIC was to significantly expand the scope of the canvass area. At his direction this work continued until early December 2020, resulting in 178 properties being visited. Unfortunately however, footage from five locations had in the meantime been lost, due to householders unwittingly recording over it.

234. However the work of reviewing the gathered CCTV footage did not commence in any significant manner until 30 November 2020. This too was evidently a matter of concern for DCI Browne. As he told the court at the inquest, if CCTV footage does not detect the missing person, this indicates that the search area needs to be widened. Obviously this cannot be known until the CCTV material has been reviewed.

235. On 10 March 2021 DCI Browne communicated these concerns in a phone conversation with a colleague in the Homicide Squad, Detective Sergeant Stephen Morgan. DCI Browne also told the court that the slow pace of the review prompted him on 23 November 2020, 24 November 2020 and 16 December 2020 to offer assistance with the task.

236. As noted, it appears that by mid-December 2020 DS Foscholo was himself becoming concerned at the volume of CCTV material on his hands, and the lack of resources to review it. He raised this with DI Atkins in January 2021, and in the three monthly review meeting of 15 February 2021. In response, DI Atkins sought more resources but reached a point where she had nothing further to provide from within her Command.

237. Ultimately, by 24 March 2021 approximately 90% of the CCTV had been reviewed. None of it depicted images of Ms Caddick.

Conclusion: the absence of an early referral to the Homicide Squad

238. As regards DS Kyneur's failure to make an early referral to the Homicide Squad, it was submitted on behalf of the Commissioner that he was justified in this decision. After all, having conducted their 72 hour review the Homicide

Squad evidently came to the view that it was unlikely Ms Caddick had been harmed by another person.

239. Having regard to the evidence summarised above however, in my view the circumstances of Ms Caddick's disappearance did meet the second criterion for referral to the Homicide Squad. So much was conceded by DCI Browne and DI Atkins in their evidence at the inquest.

240. Nor does the Commissioner's submission take account of the concerns which DCI Browne evidently held as to DS Kyneur's investigative focus, and the steps he himself took to ensure that the investigation received a review by the Homicide Squad.

241. I conclude that DS Kyneur did not have good reason to properly conclude that there was no basis to notify the investigation to the Homicide Squad. At the least, he ought not to have taken this possibility off the table without speaking to the first responding police officers about their suspicions that Mr Koletti was involved in Ms Caddick's disappearance.

242. Counsel Assisting accepted that it is a matter for speculation whether an earlier referral to the Homicide Squad would have resulted in useful evidence. But it was submitted that it is at least possible that earlier Homicide Squad involvement may have yielded different results to those obtained during the period DS Kyneur led the investigation.

243. I accept this is the case. DS Kyneur's early dismissal of the possibility that Ms Caddick had been harmed by another person created the risk that information which might shape the direction of the investigation may have been lost.

244. I acknowledge however that the impact of DS Kyneur's failure to make an early referral cannot be put any higher than this.

Conclusion: the delays in the canvassing for and review of CCTV material

245. As to the second area of criticism, Counsel Assisting has pointed to evidence of significant delays in the canvassing for CCTV evidence, in particular in the early stages, and submits that this also created the risk that critical evidence was lost.

246. It is apparent that this too was a source of significant concern for DCI Browne. This is evidenced in his communications both with DS Kyneur and with high-ranking colleagues, described above. It can be accepted that the pace of this work did not meet his expectations of what was required in a missing persons investigation.

247. So far as its impact on the investigation is concerned, it was conceded that CCTV footage from five properties close to Ms Caddick's home was not collected in time to prevent it from being lost.

248. Mr Gyles SC has responded that the five properties are not along the most straightforward route from Ms Caddick's house to the cliff line at Rodney Reserve, and that the lost CCTV footage is therefore unlikely to have yielded useful information. The obvious difficulty with accepting this submission is its reliance on the assumption that this was the route taken by Ms Caddick. There is absolutely no certainty about this.

249. Mr Gyles' second submission is that in relation to some at least of the five properties, it is less likely that Ms Caddick walked past them because she was not captured on the CCTV cameras of properties close by.

250. I accept that this may be the case and that ultimately it cannot be known whether valuable information was lost as a result of the delay in gathering CCTV footage.

251. It is also evident that DCI Browne was concerned about the slow pace of reviewing the CCTV material. Three months after Ms Caddick disappeared, only a small proportion of it had been reviewed.

252. It is possible that DS Foscholo underestimated the resources he would need to ensure a timely review of the material. This was voluminous, partly as a result of the need to backtrack the canvass to include material commencing from the evening of 11 November 2020. There is no doubt this necessary step added to the investigative burden, significantly increasing the amount of footage collected and the time and resources needed to review it.

253. In fairness to DS Foscholo, it does appear that since mid-December 2020 he had been alive to this problem, and thereafter made efforts to secure more resources to assist with the review.

254. I accept that ultimately, it cannot be known if a more timely review of the CCTV material would have altered the course of the investigation, or its outcome

255. Mr Gyles SC is right to acknowledge the very significant size and scale of the police investigation into Ms Caddick's disappearance. It is also fair to recognise that DCI Browne, DI Atkins and DS Morgan spoke positively of DS Foscholo, commending him as competent, open to their advice, and diligent in implementing it.

256. Overall, while the evidence establishes that there were some shortcomings in the police investigation, in particular in its early stages, it cannot be stated that the outcome would have been a different one had these not been present.

Mr Koletti's credibility and its implications

257. Mr Koletti was a key witness at the inquest. From the moment he reported his wife missing, it was expected that he would be the primary source of information about the circumstances surrounding her disappearance. He was her husband and the only other adult resident of the house. In order to identify a start point for their search, police were relying upon him for accurate information as to when and where he had last seen Ms Caddick.

258. And indeed Mr Koletti was very willing to speak to police and media about the events of 11 to 13 November 2020. He also gave evidence over many hours at the inquest.

259. However Mr Koletti's credibility was from the outset a source of disquiet for the police investigators. As will be seen, his evidence at the inquest did nothing to allay these concerns.

260. In closing submissions Counsel Assisting urged the court to find that Mr Koletti's evidence contained:

‘ … multiple, significant discrepancies’, and that he ‘did not give a full and frank account to the Court of what occurred’.

261. Mr Koletti was *‘ … a most unimpressive and unreliable witness’*, whose lack of candour was one of the reasons why it was not possible to conclude how, when and where Ms Caddick had died.

262. Concurring with this assessment of Mr Koletti’s credibiity, Mr Gyles SC submitted that he was *‘entirely unreliable’*, to the point where the investigating police were forced to conclude that he:

‘ … could give them no information they could count on without corroboration’.

263. Mr Koletti’s credibility was also impugned in submissions on behalf of ASIC, the Commissioner of the AFP, and Ms Allen, albeit in the context of Mr Koletti’s claims of misconduct on their part. Mr Koletti’s evidence was afflicted by *‘confusion and conflation’* and he was ‘*not a reliable or credible witness’*, Mr Jordan SC submitted. His evidence:

‘ … cannot be accepted to the extent that it is inconsistent with the objective evidence and evidence of the AFP and ASIC officers as to what occurred’.

264. Mr Koletti’s credibility is a significant matter for consideration.

265. This was recognised in the submissions of Counsel Assisting, and in those on behalf of the Commissioner. Both identified that problems with Mr Koletti’s credibility had impacted the effectiveness of the police investigation. Counsel Assisting submitted further that these had compromised the ability of the court to make findings as to the cause and manner of Ms Caddick’s death.

266. Mr Koletti’s credibility is also at the centre of another key issue: whether the ASIC and AFP officers who executed the search warrant on 11 November 2020 acted appropriately. As noted, Mr Koletti and Ms Barbara Grimley have made serious claims about how the involved officers treated Ms Caddick that day, and the consequences which they say flowed from this.

267. I will now examine what Mr Koletti has told the police and the court over the 30 month period since his wife disappeared.

When did Mr Koletti last see Ms Caddick?

268. In the months following Ms Caddick’s disappearance, Mr Koletti offered multiple accounts of what had happened in the period between 11 and 13 November 2020. Despite this he proved unable to provide police with clear information as to when and where he had last seen his wife.

269. It will be remembered that when Mr Koletti rang Federal Agent Griffen on the morning of 13 November 2020, he told her he had not seen Ms Caddick *‘since 5.30am’* on 12 November 2020.

270. Approximately two hours later, Constable Riseam and Constable Cameron went to Ms Caddick’s home to follow up on Mr Koletti’s call to Rose Bay Police Station advising that she was missing.

271. Mr Koletti told the two officers that he had last seen his wife at about midnight on the night of 11 November 2020. They had gone to bed together at 9.30pm. When he awoke at around 6.00am the next morning she was gone. Witness B, he said, was the last person to see her. She was leaving the house for a run at about 5.30am, '*which she does every day'*.

272. When Sergeant Trent Riley arrived soon afterwards, Mr Koletti reiterated that he and Ms Caddick had gone to bed at about 9.30pm and that he had last seen her at about midnight. He added however that Witness B had not actually *seen* his mother when she left at 5.30am, but had heard her leave the house.

273. All three police officers felt uneasy about Mr Koletti's demeanour, which Constable Riseam described as:

> *' … composed, relaxed, and seemingly uncaring … unlike any other person I had taken a missing person report from previously'.*

274. For his part Sergeant Riley thought it *'extraordinarily strange'* that Mr Koletti had not reported his wife's disappearance until that day. This did not seem to fit with his account of having searched the nearby cliff line ' … *all day yesterday'.* Mr Koletti said he wanted police to *'cover off all the bad stuff'* and *'tick that off my list'* by searching the cliff line too.

275. As for his own activities, Mr Koletti told Sergeant Riley that he didn't think he had gone anywhere the previous night, which was 12 November 2020.

276. Barely an hour later this information was contradicted by Witness B, when Sergeant Riley went to his school to speak with him. According to Witness B, Mr Koletti had been out three times the previous evening to search for Ms Caddick. Mr Koletti had also told Witness B that he had spent the day looking for her around Bondi and other places they liked to visit.

277. Sergeant Riley thought that Mr Koletti was '*all over the place'*. He was left with the strong impression that although Mr Koletti may not have harmed his wife, he was withholding information from police and perhaps knew where she was, or at least knew that she was safe.

278. At the inquest, Mr Koletti agreed that he had in fact gone out a number of times on the evening of 12 November 2020 to look for Ms Caddick. Didn't this mean he had been untruthful to Sergeant Riley, he was asked? *'I wouldn't say it was fact',* he replied. Nevertheless, he resisted any suggestion that he had not been frank with Sergeant Riley.

279. Three days later, on 16 November 2020 Mr Koletti provided a written statement to police. This time he said he had last seen Ms Caddick at 4.00am on the morning of 12 November 2020. He had gone to the bathroom at around that time, and saw that Ms Caddick was asleep when he returned. He had woken at around 5.30 or 6.00am to hear the front door closing.

280. Mr Koletti revisited these events in a formal interview with police on 24 November 2020. On this occasion however he said he had been *'up and down'* throughout the night of 11 November 2020 due to his condition of sleep apnoea. At 4.00am he saw his wife for the last time, lying asleep in their bed.

He couldn't remember if he had stayed at home the following day, but may have been *'in and out'*.

281. DS Kyneur, who had taken both statements from Mr Koletti, thought *'many times'* that he was not telling the truth, although he conceded that he had seemed confused. Like Sergeant Riley DS Kyneur believed Mr Koletti was not being frank, and suspected that he knew something about where Ms Caddick was but was not willing to share it with police.

282. Mr Koletti's next description of the night's events came in a written statement on 22 July 2021, which the investigating police had requested in a bid to clarify his previous inconsistencies.

283. In this statement Mr Koletti recounted that he had woken at 7.00am on 12 November 2020 to find Ms Caddick had gone. Confusingly however, at another part of the statement he identified himself in CCTV footage, which depicted a man getting back into a car at 6.55am some three or four streets away from their home. Mr Koletti explained that he had been out looking for Ms Caddick, before taking Witness B to school.

284. A significantly different version of events was offered three months later, when Mr Koletti featured on the Channel 7 program *'Spotlight'.* Extracts of this TV program were screened at the inquest. Mr Koletti told the interviewer that Ms Caddick had gone to bed on the night of 11 November 2020, but he had stayed up all night writing music, which was something he did. When he joined Ms Caddick in bed at 4.00am he *'cuddled her'*, then drifted off to sleep.

285. By the time Mr Koletti made a supplementary statement on 22 September 2022, the details had again shifted. He had gone to bed with Ms Caddick at about 9.30pm, but had got up around midnight because he didn't want to disturb her with his snoring. He slept downstairs for a period, then woke at about 4.00am and returned to their bed, where she was lying asleep. This was the last time he had seen her.

Other areas of discrepancy

286. The inconsistencies afflicting Mr Koletti's accounts were not confined to the question of when he had last seen Ms Caddick.

287. To Sergeant Riley, Mr Koletti had suggested on 13 November 2020 that Ms Caddick may have simply gone to stay in a hotel, in order to process what had happened. With some confidence he asserted that if this was the case, it would almost certainly be the Meriton Hotel at Bondi Junction. This was their '*go to'* - a special place where they had stayed before.

288. This information proved to be false. The Meriton Hotel at Bondi Junction advised police they had no record of either Ms Caddick or Mr Koletti ever staying there. When challenged with this information at the inquest, Mr Koletti provided the peculiar explanation that he *' … was trying to provide relevant information, no matter how stupid'.*

289. Relatedly, Mr Koletti had also told Sergeant Riley that it was *'not uncharacteristic'* of Ms Caddick to stay overnight in a Sydney CBD hotel. But

at the inquest he stated that she never did this. He added that he had believed at the time that she did, but now couldn't say if this was likely or not.

290. From the outset, police had flagged as a matter of concern that Mr Koletti had waited until 11.45am on 13 November 2020 to report his wife missing. Also of concern was his refusal to come to Rose Bay Police Station to make the report, because he had too much work to do. Sergeant Riley thought it was:

> *' … extremely unusual and strange behaviour for someone to have not seen their wife for a number of days and then not want to see or speak to police immediately'.*

291. At the house, Sergeant Riley had asked Mr Koletti why he had not rung police the previous day. Mr Koletti replied this was because he had not thought Ms Caddick was missing until that morning. This too Sergeant Riley thought was strange, in light of Mr Koletti's disclosure that he had been searching the cliff line *' .. all day yesterday'*.

292. Notably, on all subsequent occasions when Mr Koletti was asked to explain this delay he asserted it was because he had believed one had to wait 24 hours before making a missing person report. He was *'not sure'* why he hadn't offered this explanation to Sergeant Riley on 13 November 2020.

293. Also perplexing was Mr Koletti's decision on the night of 12 November 2020, to ring Ms Caddick's brother Adam and then her friend Scott Little. Mr Koletti did not reveal to either person that Ms Caddick was missing. Instead he told each of them that she was asleep in bed. At the inquest his peculiar explanation for this untruth was that he wanted their '*honest opinion'* as to whether Ms Caddick was with them or not.

294. Mr Koletti also insisted, somewhat implausibly, that throughout the extraordinary events of 11 November 2020 he had sought no explanation whatsoever from his wife about what was happening. He first sought to account for this unusual behaviour by saying he had no opportunity to speak privately with her, due to the presence of the ASIC and AFP officers. When questioned however he agreed that there were in fact many such opportunities, when they were both in the backyard and at some distance from the nearest AFP officer.

295. Nevertheless Mr Koletti maintained that he did not once ask his wife why their home was being searched, why her bank accounts had been frozen, and why officers were taking away their computers, their clothes, their artworks and their jewelry.

296. When pressed upon this, Mr Koletti said that he had assumed the search was something to do with his wife's business activities. He had *'just thought they'd get their job done and go'*. Besides, Ms Caddick had seemed '*very distant and vague'* throughout the day, and he wanted to keep her calm and to comfort her. During the evening also she had *'seemed numb'* and he didn't want to worry her with any questions.

Mr Koletti's evidence at the inquest

297. The above examples give the flavour of Mr Koletti's evidence at the inquest. It is fair to say that when he was not creating further inconsistencies, he was attempting to account for them with opaque and at times unintelligible explanations.

298. Three further examples illustrate the difficulty of accepting Mr Koletti as a credible witness.

299. At the inquest Mr Koletti was asked about numerous previous accounts in which he had described his wife's state of mind as '*normal'* on the evening and night of 11 November 2020. But in his evidence he insisted that these descriptions were inaccurate. In fact he had been so concerned for her welfare that: ' .. *I didn't think I should leave her alone'.* Nevertheless the earlier statements remained true '*to the best of my knowledge'*.

300. Equally incomprehensible was Mr Koletti's response when asked in court why he now asserted that contrary to his account in the *'Spotlight'* program, he had not stayed up until 4.00am making music. Didn't that mean that he had not told the truth in the *'Spotlight'* program? Mr Koletti denied this: *'At that time I believed it was true'.*

301. Mr Koletti's evidence about where he thought his wife had gone on the morning of 12 November 2020 was similarly unsatisfactory. In many previous accounts he said he had believed she had gone for a jog or walk. She would go jogging in the morning by herself *'all the time'*. Yet a review of the home's CCTV footage revealed that on no occasion in the four weeks before her disappearance had she left the house for a morning walk or run.

302. Presented with this evidence, Mr Koletti conceded that Ms Caddick had stopped exercising outside some time prior to 12 November 2020, and that his earlier statements to the contrary were not the truth. In a bid to explain the discrepancy he said: *'I was doing my best'*. It was just '*my answer'*, and in fact he was not able to say now, in court, if it was *not* the truth.

303. Mr Koletti's evidence at the inquest was riddled with similar inconsistencies and opacities. Explanations which he offered for the many contradictions between and within his various accounts simply did not make sense.

The arguments seeking to explain Mr Koletti's unreliability

304. At the close of the evidence it was not submitted on behalf of any interested party that Mr Koletti was a reliable witness.

305. Ms Swan acknowledged that *' … in some respects Mr Koletti's statements were inconsistent and not always coherent'*. She contended however that his inconsistencies were able to be explained by his '*limited intellectual capacity'* and '*negligible literary and numeracy prowess'.*

306. On behalf of the Commissioner it was acknowledged that:

> *' … Mr Koletti's accounts have been contradictory and are of very limited probative value without independent corroboration'.*

307. Like Ms Swan however, Mr Gyles SC maintained that there were alternative explanations for Mr Koletti's unreliability than that he was in some way involved in his wife's disappearance. These included that he was '*not an ordered thinker'*, and that the situation was extraordinarily stressful for him.

308. Ms Swan and Mr Gyles SC also relied upon evidence of DCI Browne that people did not always react to crises in a predictable manner, and that this did not ' .. *necessarily mean that they're complicit in some sort of crime associated with that'*. Ms Swan further cited forensic psychiatrist Dr Eagle's evidence to the effect that stress and grief can impact a person's ability to recall events and to place them in order.

309. It may be accepted that Mr Koletti is not an intellectually sophisticated person, and that his wife's sudden disappearance from his life was deeply disturbing for him. A person in this situation could well struggle to recall all relevant events and their sequence.

310. But what is striking about Mr Koletti's propensity to inconsistency is its persistence over a significant time and across a broad range of contexts. Since Ms Caddick disappeared Mr Koletti has provided verbal and written accounts to police, both from his home and at the police station. He has made statements to the media, and within a TV documentary. These he has supplemented with a 'clarifying' statement, an affidavit on the doorstep of the inquest, and oral evidence in the inquest itself.

311. Mr Koletti has not managed to explain the manifold contradictions within and between these accounts in any comprehensible way. Put simply the discrepancies are too numerous, and too persistent in nature, to be attributable to stress and a lack of intellectual sophistication.

312. The *'Spotlight'* interview serves as an example. This went to air almost a year after Ms Caddick disappeared. Here Mr Koletti offered an account of the critical night which is significantly at odds with those given both *before* and *after* the interview. Whether the *'Spotlight'* account is true, or the other versions he has provided, or something else altogether, cannot be determined.

313. To this assessment must be added the claims Mr Koletti made about the conduct of the ASIC and AFP officers during the execution of the search warrant. As will be seen, when these are reviewed in the light of other evidence they prove to be entirely without foundation.

Conclusion regarding Mr Koletti's credibility

314. The inescapable conclusion is that throughout the investigation and the inquest, Mr Koletti has chosen at times to make statements that are simply untrue.

315. This invites the question why Mr Koletti has been unwilling to provide a frank account of what took place between 11 and 13 November 2020.

316. In submissions, Counsel Assisting contended that Mr Koletti's unwillingness to do so strongly suggested that he had information as to these events, and was withholding it from police and from the court.

317. In a similar vein, Mr Gyles SC commented in submissions that *' … as DS Kyneur suspected, [Mr Koletti] may have known more about where [Ms Caddick] had gone and was protecting her'.*

318. At the inquest Mr Koletti denied that he had deliberately withheld anything from the police, or from the Court. He '*most definitely did not'* assist his wife in disappearing; nor did he delay his report to police in order to give her time to go somewhere else.

319. Notably however, every police officer who had any significant interaction with Mr Koletti suspected that he had some knowledge of Ms Caddick's movements, but had chosen not to share it with them. They were troubled by his unusual presentation, the delay in his report, and the inconsistencies which quickly emerged in his accounts of what had happened.

320. With regard to Mr Koletti's presentation on 13 November 2020, I accept that a person's demeanour may not be a reliable guide to their veracity, in particular at times of acute stress. The fact that Mr Koletti appeared calm and relatively unconcerned that day does not of itself mean that he was involved in his wife's disappearance and perhaps knew where she was.

321. However Mr Koletti's unusual demeanour, when combined with the delay in his report to police and the significant discrepancies in his accounts (as to which he has been unable to provide any acceptable explanation) give rise to the strong suspicion that during the period 11 to 13 November 2020, he was in possession of information about his wife's disappearance but withheld it from the investigating police.

322. I have formed the opinion that it is likely that on 13 November 2020 Mr Koletti had some awareness of Ms Caddick's movements over the previous two days, but chose not to disclose it.

323. I accept that it cannot be known on the evidence what it was that Mr Koletti knew about Ms Caddick's movements but did not disclose. In the words of Counsel Assisting:

> *'Whether it concerns what Ms Caddick may have told him about her business affairs prior to 11 November 2020, what she may have told him on the night of 11 November 2020, what she did on 12 November 2020 and/or what Mr Koletti did on that date, remains a matter of speculation'.*

The impact of Mr Koletti's lack of candour on the police investigation

324. In closing submissions on behalf of the Commisisoner, Mr Gyles SC commented that:

> *' … everyone who interacted with Mr Koletti immediately realised they could not rely on what he was telling them. Suspicion attached to him from the beginning.'*

325. Mr Gyles submitted that the effect was to add considerably to the challenges of the police investigation.

326. I accept that Mr Koletti's inherent unreliability imposed upon the investigating police a significant burden. Due to his shifting accounts of when he had last seen Ms Caddick, they were unable to identify a point in time and a place from which to commence their search.

327. The following serves as an example. Unable to rely on Mr Koletti's accounts of when he had last seen Ms Caddick, DS Foscholo was obliged to direct his team to seek CCTV footage dating from the late afternoon on 11 November 2020, this being the last point at which there existed reliable evidence sighting her. As I have previously noted, this added significantly to the investigative burden and strained the available police resources.

328. It was suggested by Counsel Assisting that faced with Mr Koletti's unreliability, the investigating police ought to have made greater efforts to probe him upon his inconsistencies. However, having witnessed Mr Koletti giving evidence at the inquest I am inclined to agree with the submission made by Mr Gyles SC, that this would have been a futile exercise likely to yield yet more confusion.

329. I do however accept the submission of Counsel Assisting that given the concern which Mr Koletti's unreliability generated from the outset, together with the 'High Risk' assigned to Ms Caddick's disappearance, it was premature for DS Kyneur to have dismissed the possibility that Ms Caddick had been harmed.

330. These circumstances ought to have prompted him to have made an early referral of the matter to the Homicide Squad.

331. I accept that it is a matter for speculation whether this would have yielded valuable information or altered the outcome of the investigation.

The impact of Mr Koletti's unreliability on the ability of the court to make statutory findings

332. Secondly, in the submission of Counsel Assisting Mr Koletti's unreliability has compromised the court's ability to determine the circumstances of Ms Caddick's disappearance, to such an extent that '*even the time of her departure remains unknown'.*

333. As noted, Mr Koletti has said that early on the morning of 12 November 2020 he woke to hear the front door close, and assumed that Ms Caddick had left the house.

334. However as I have found, Mr Koletti's evidence regarding the events of 11 to 13 November 2020 is wholly unreliable and ought not to be accepted as the truth without independent corroboration.

335. There exists no CCTV footage or independent sighting of Ms Caddick to corroborate Mr Koletti's evidence about when she left the house. However Mr Gyles SC, while acknowledging the *'very limited probative value'* of Mr Koletti's evidence, submitted that on this question Witness B's account is *'broadly consistent'* with that of Mr Koletti.

336. Can the evidence of Witness B be accepted as corroboration of Mr Koletti's on the question of when Ms Caddick left the house? In my view, to a limited degree only.

337. Witness B's evidence is that he last saw his mother at around 8.30pm or 9.00pm on the night of 11 November 2020, when she said goodnight to him. He did not see Ms Caddick the next morning; nor did he hear her voice. While he was upstairs in the home gym he assumed that sounds he could hear in the kitchen downstairs were those of his mother, because she usually prepared his school lunch at that time. It was this which led him to assume that it was she who left the house shortly afterwards, when he heard the front door open and shut.

338. There is no suggestion that Witness B was not giving a truthful account to the police and to the court about this. However the fact that he neither saw his mother nor heard her voice that morning reduces the cogency of his evidence on this question.

339. In light of the above, I do not consider there is sufficient reliable evidence to find as a fact that Ms Caddick departed the house at around 6.00am on 12 November 2020.

340. Has Mr Koletti's lack of candour compromised the court's ability to make findings in this matter? This is difficult to answer in circumstances where, as I have acknowledged, it is not possible to know precisely what information he has withheld from police. Nevertheless he is a witness who would be expected to have been a primary source of information as to the events of 11 to 13 November 2020. In circumstances where there is an absence of independent evidence on these matters, his lack of candour is regrettable.

341. I will now turn to the statutory findings which a coroner holding an inquest is required to make, where possible.

The statutory findings: is Ms Caddick deceased? And if so, can the cause and manner of her death be established?

Is Ms Caddick deceased?

342. The evidence establishes on the balance of probabilities that Ms Caddick is deceased.

343. Throughout the police investigation, there were comprehensive enquiries for signs that Ms Caddick is alive. None have been found.

344. Furthermore, since the evening of 11 November 2020 Ms Caddick has not made contact with any known person, including her family and friends. Nor has there been a single reliable sighting of her.

345. Perhaps the most persuasive evidence that Ms Caddick is deceased, is the fact that she has not made any contact with her son. She loved him and took great pride in him. Deeply attached to him as she was, it seems to me most unlikely that she would not have reached out to him in some way, were she still alive.

Did Ms Caddick suffer a psychiatric condition or personality disorder? If so, how may it have affected her thinking and behaviour on 11 and 12 November 2020?

346. Consultant forensic psychiatrist Dr Kerri Eagle was asked to perform a retrospective evaluation of the available psychiatric and psychological information about Ms Caddick.

347. Dr Eagle had never met Ms Caddick. Her opinion was based on her review of Ms Caddick's medical records, together with statements provided by family, friends, investors and involved officers. Dr Eagle said that this kind of assessment is often referred to as a 'psychiatric or psychological autopsy'.

348. In Dr Eagle's opinion, Ms Caddick did not have a diagnosable mental health condition at the time of her disappearance. It was likely however that she met criteria for a person with a narcissistic personality disorder. Such people have '*an excessive need for approval that can drive their behaviour',* even to the point of behaving dishonestly.

349. Dr Eagle had noted Ms Caddick's strong drive to portray herself as successful and affluent. This indicated that:

> *' … she likely would have measured her self worth and self concept through the lens of others'.*

350. In Dr Eagle's opinion, a longstanding need for admiration and respect had likely motivated Ms Caddick's exploitation of family and friends through misuse of their money.

351. Significantly, Dr Eagle went on to comment that:

> *'Individuals with narcissistic personality disorder can be at risk of suicide, particularly in the context of a severe narcissistic injury causing that person to feel intensely shamed. Suicidal intent among these individuals can occur in the absence of a clinical depression or other mental illness'.*

352. Dr Eagle postulated that for Ms Caddick, the ASIC investigation and search warrant very likely constituted a '*severe narcissistic injury'* causing her '*a catastrophic level of shame and despair'.*

353. This was especially so, given that family and close friends were numbered among the victims of her alleged fraud. Faced with the imminent destruction of these relationships, and the ruin of her reputation and lifestyle, she may well have reached the conclusion that ending her life was '*the only option'*.

354. I accept Dr Eagle's evidence that Ms Caddick's personality structure may have made her susceptible to suicidal intent, when faced with the shame of exposure and the potential loss of her family, her friends, her career, and her reputation. It is plausible that these events prompted Ms Caddick to decide to take her own life.

Did Ms Caddick take her own life by jumping from cliffs at Dover Heights?

355. In closing submissions Mr Gyles SC urged the court *' … to apply common sense and experience'* to the task of making findings. This he said, would

lead naturally to the conclusion that Ms Caddick had taken her own life by jumping from *'the closest suicide place to her house'.* Such a finding:

> *' … not only provides the most obvious explanation for her disappearance, but further … there is no evidence which contradicts or is inconsistent with it'.*

356. In a similar vein, submissions on behalf of Mr Koletti were that '*the only properly available conclusion'* is that Ms Caddick died as a result of suicide by jumping from the cliffs near Dover Heights, in the early hours of 12 November 2020.

357. It is understood that Ms Caddick's family share this belief.

358. There can be no doubt that Ms Caddick's body, or part of it, entered the ocean at some time and place prior to 21 February 2021. However there is simply not enough evidence to identify the circumstances in which this event occurred. Contrary to the submissions of Mr Gyles SC and Ms Swan, it is not possible to conclude that it was the result of Ms Caddick falling from the cliffs near her home, with the intention of taking her own life.

359. It is certainly possible that Ms Caddick died in this manner. The oceanographic evidence establishes that had she jumped from the Dover Heights cliff line, her remains could feasibly have travelled by sea to Bournda Beach within the period November 2020 to February 2021.

360. I have also accepted the evidence of Dr Eagle that due to Ms Caddick's likely personality structure, she could well have regarded suicide as her only escape from the personal and professional catastrophe which overtook her on 11 November 2020.

361. But the principle enunciated by Counsel Assisting is irrefutable: a finding that a particular scenario is plausible does not equate to acceptance of it on the basis of reasonable satisfaction.

362. There is no reliable personal sighting of Ms Caddick, or CCTV capture of her, at or near any coastal area. This does not exclude the possibility that she died as a result of falling from a height. But to adopt a phrase used by Mr Gyles SC, the absence of such evidence is merely: *' … neutral, not probative one way or the other'.*

363. The medical evidence is likewise neutral on the question of whether Ms Caddick died by falling from a height. Contrary to Mr Gyles' submission, the medical examination did not find that the fracture patterns on Ms Caddick's foot were *'entirely consistent'* with such an event. Dr Pokorny and Dr Nasreddine determined that it was not possible to use the fracture patterns as the basis for such a conclusion. And while Dr Lunz thought that the fracture patterns were more suggestive of blunt force than sharp force trauma, he could not say whether the fractures had been sustained before or *after* Ms Caddick's foot had separated from her body.

364. Nor is it enough to assert that the place where Ms Caddick's body entered the water must have been around Dover Heights, simply because she lived nearby. Accepting Dr Griffen's oceanographic evidence, as I do, I am not able to make a positive finding that Ms Caddick's starting point was the Dover

Heights cliff line. It was equally plausible that her point of entry into the ocean was as far north as Brisbane and as far south as Hobart.

365. Dr Griffen's expert opinion on this point ought not to be characterised as, in the words of Mr Gyles SC, *'a distraction'*.

366. The evidence is simply not sufficient to establish suicide by jumping from the Dover Heights cliff line, or any other cliff line, as the manner of Ms Caddick's death.

Was another person involved in Ms Caddick's death?

367. This proposition was firmly rejected in the submissions on behalf of the Commissioner and on behalf of Mr Koletti.

368. Mr Gyles' arguments against this proposition were twofold. First, he urged that there is *'a clear and obvious manner and cause of death, being suicide … in which Ms Caddick acted alone'.*

369. However for the reasons given above, I do not accept that the evidence is capable of establishing suicide as the manner of Ms Caddick's death.

370. Secondly, Mr Gyles relied on the proposition that none of the key investigating officers concluded that Ms Caddick had been harmed by anyone.

371. While I do not discount this evidence, there are cogent reasons why the submission of Counsel Assisting ought to be preferred, namely that it cannot be concluded whether any known person was involved in Ms Caddick's death.

372. First, due to the limited remains available for examination and their state of decomposition, the medical evidence could neither confirm nor exclude the possibility that Ms Caddick's death was the result of another person harming her.

373. Secondly, even if it is accepted that Mr Koletti did not harm his wife, this does not equate to a satisfaction that he was not involved in some manner with her disappearance or knew something about it. His lack of candour precludes a finding that no other person was involved in Ms Caddick's death.

374. I should add that for the same reasons, it is not possible to determine if Ms Caddick's death was the result of misadventure.

375. As was submitted by Counsel Assisting:

> *'Whether Ms Caddick died on her own or with someone else present, entirely by her own efforts, or with the assistance of someone else or through a deliberate act or some form of misadventure, cannot be determined on the evidence'.*

376. I regret that positive findings cannot be made as to the cause and manner of Ms Caddick's death. Ms Caddick's husband, son, parents and brother must surely feel a strong need for finality. Melissa Caddick was a wife, mother, daughter and sister. Her disappearance from her family in traumatic circumstances must be a source of deep and ongoing sadness for them. For

their sake I wish that this inquest could have provided the sense of peace that can come with answers about what has happened to a loved one.

377. I now turn to the final issue for determination.

Did the involved ASIC and AFP officers act appropriately when executing the search warrant on 11 November 2020?

Claims made about the conduct of Ms Allen and the ASIC and AFP officers.

378. Several months after the search warrant was executed on 11 November 2020, members of Ms Caddick's family began to make claims that she had been mistreated that day. Mr Koletti and Ms Barbara Grimley, who as noted was not present at the house during the search, accused ASIC and AFP officers of a '*cruelty and inhumanity'* which led Ms Caddick to take her own life.

379. Perhaps the most serious accusation was levelled squarely at ASIC's project manager, Ms Allen. In his musical endeavours and in one of his police statements, Mr Koletti went so far as to assert that Ms Allen was personally responsible for his wife's death:

> *'I believe [Ms Caddick] died as a direct result of ASIC's negligence, cruelty and inhumanity. Melissa, [Witness B] and myself were not given food, water or medical attention which we all desperately needed, for fourteen hours, during the search warrant on 11 November 2020 …. I believe Isabella Allen from ASIC is responsible and accountable for her death.'*

380. In a similar vein, Ms Barbara Grimley said this in a statement to police on 1 March 2021:

> *'They weren't offered food or drink for the duration and I believe ASIC are responsible for [Ms Caddick's] disappearance and are now responsible for her death. ASIC must take ownership for Melissa's suicide on 12 November, and Isabella Allen who led the ASIC team is responsible for her death'.*

381. Following this with a letter addressed to the Coroners Court, Ms Grimley claimed that during the day Ms Caddick '*needed her medication but was not allowed it'*, and asserted that the ASIC search was '*more about pushing Melissa to the edge'.*

382. Mr Koletti maintained some of these assertions in his evidence at the inquest. He told the court that during the search and its aftermath he had held a high level of concern for Ms Caddick. He had observed his wife's mood to worsen as the day progressed, to the point where ' … *I became concerned for her welfare, I didn't think I should leave her alone'.*

383. This evidence formed the basis for Ms Swan's closing submission that Ms Caddick was recognisably distressed on 11 November 2020, and was denied necessary psychological support due to the searching officers' lack of experience and training in dealing with vulnerable people. This in turn founded Ms Swan's broader submission that the inquest highlighted the need

for fundamental review of the policies of ASIC and AFP in relation to executing search warrants.

384. The inquest therefore examined whether the officers of ASIC and the AFP acted appropriately when they executed the search warrant at Ms Caddick's house on 11 November 2020. Specifically, did the evidence establish Mr Koletti's claims:

- that Ms Caddick was denied food, water and medication
- that ASIC did not have regard to the potential impact of the search upon Witness B
- that policies and procedures of ASIC and the AFP were not adequate to ensure Ms Caddick's mental wellbeing
- that ASIC was not authorised to move the home's CCTV hard drive
- that the behaviour of the involved officers was disproportionate, and highlights a need for review of ASIC's and AFP's policies.

Was Ms Caddick denied food, water or medication?

385. One of the allegations of mistreatment was that Ms Caddick and Mr Koletti were denied food, water or medication throughout the day of the search.

386. Notably however, in closing submissions on behalf of Mr Koletti Ms Swan did not ask the Court to make this particular finding. This is likely because the evidence at the inquest did not provide any support for it, and in fact contradicted it.

387. It is correct to assert that the searching officers did not themselves provide Ms Caddick and Mr Koletti with food or water. But this would not amount to inappropriate conduct, unless it were the case that they prevented Ms Caddick and Mr Koletti from themselves preparing food and drink. However the credible evidence about this is to the contrary.

388. In her statements and evidence, Federal Agent Griffen said that from the outset she made clear to Ms Caddick and Mr Koletti that they were free to prepare food and drink, with the only proviso being that an officer would have to be present. She had ascertained that there was fresh food and drink in the kitchen fridge. Federal Agent Griffen stated further that on *'multiple occasions'* she asked Ms Caddick if she wanted to prepare any food or drink, but that Ms Caddick replied '*No, I'm fine'*. It was not put to Federal Agent Griffen that this evidence was untrue.

389. Nor was it disputed that during the morning Ms Caddick prepared herself a protein shake in the kitchen. In addition, video from the home's CCTV confirms that on multiple occasions Ms Caddick drank cups of tea or coffee.

390. At the inquest Mr Koletti was asked if he had offered to make food for his wife that day. Somewhat surprisingly he replied: 'N*o, I didn't need to eat either'*. This response simply does not fit with his claim that he and Ms Caddick were denied food and drink which they *'desperately needed'*.

391. Mr Koletti ultimately conceded that he had not held any perception that day that he and his wife were not permitted to get food and drink for themselves.

392. There is likewise no evidence to sustain the claim that Ms Caddick was denied medication. Federal Agent Griffen, who spent most of the day in Ms Caddick's presence, stated that at no time did Ms Caddick or anyone else request medical attention or the need to take medication. This was Ms Allen's evidence also.

393. At the inquest Mr Koletti was asked to explain what medical attention Ms Caddick had needed on 11 November 2020. His response amounted to no more than the assertion that she needed comfort '*which is the same thing'*.

394. The conclusion I reach is that there is no credible evidence that the searching officers denied Ms Caddick medication which she required, or food and drink.

Did ASIC disregard the potential impact of the search upon Witness B?

395. Ms Swan further submitted that the manner in which the search was conducted raised '*serious questions'* about ASIC and AFP search procedures. These procedures ignored the '*profound effect'* upon children present.

396. This submission may be addressed briefly.

397. It is simply incorrect to assert, as did Ms Swan in her closing submissions, that *' …no consideration of the effect of the appearance of AFP and ASIC officers on the innocent child … was considered'.*

398. The court heard extensive evidence about the requirement for both agencies to take into account the wellbeing of any children present, when planning for the execution of a search warrant. Earlier in these findings I have outlined the measures which were implemented that day, to minimise the potential impact of the search upon Witness B.

399. I am satisfied that the policies and procedures of ASIC and AFP in this area are adequate, and that the executing officers complied with them. The allegation that they acted improperly by having no regard to the mental wellbeing of Witness B is without foundation.

Were the policies and procedures of ASIC and the AFP adequate to ensure Ms Caddick's mental wellbeing?

400. In Ms Swan's submission, the evidence supported the proposition that Ms Caddick was *'extremely distressed'* during and following the search. Furthermore, that it was '*reasonably foreseeable'* that a person having her personality structure would have been traumatised by the arrival of the executing officers on 11 November 2020. This foresight ought to have prompted the searching officers to provide '*appropriate psychological support'* for her.

401. Since the ASIC and AFP officers did not provide psychological support for Ms Caddick, Ms Swan has urged the court to find that those who led the search lacked the experience and training to identify that she was distressed, vulnerable and in need of it. More broadly, she has contended that ASIC

and AFP procedures for executing search warrants are not adequate to ensure the wellbeing of any persons who are the subject of search warrants.

402. This stance was rejected in the closing submissions of Counsel Assisting, who described as '*fanciful*' the suggestion that the executing officers ought to have detected a need for Ms Caddick to receive psychological counselling that day.

403. Ms Swan's propositions were likewise said to be unsustainable by those representing ASIC, the Commisisoner of the AFP and Ms Allen, in light of:

- the observations made by the executing officers as to Ms Caddick's mental state that day
- Mr Koletti's near-contemporaneous recollections of his wife's mental state that day and in the hours that followed.

404. I will outline the evidence as to these matters.

The observations of the executing officers

405. Federal Agent Griffen remained in Ms Caddick's presence throughout almost all the twelve hours of the search. It is reasonable to assume that she was well placed to observe Ms Caddick's emotional state over that period.

406. At the inquest Federal Agent Griffen acknowledged that Ms Caddick had appeared '*shocked and embarrassed'* by the appearance of the executing officers at her front door, but Federal Agent Griffen considered that this was a normal response in the circumstances.

407. Aside from that, Federal Agent Griffen observed Ms Caddick's demeanour throughout the day to be '*quiet and reserved'*, *'calm'* and '*compliant',* without outward signs of distress. It was, she said, ' … *more like professional calmness and resignation'.* Ms Caddick did not say or do anything which caused Federal Agent Griffen to have any concern for her mental welfare.

408. In similar vein Ms Allen found Ms Caddick to be '*professional and courteous'*, *'quiet and cooperative'*. She saw nothing concerning in her demeanour or behaviour. The observations of Federal Agent Ramilo were to the same effect.

409. Those portions of the home and AFP video footage which depict Ms Caddick are, in my opinion, consistent with the above observations. They show Ms Caddick to be outwardly composed. At no time does she display overt signs of distress or anger.

410. The above evidence provides no support for Ms Swan's submission that Ms Caddick was visibly distressed throughout the day.

Mr Koletti's recollections of Ms Caddick's mental state

411. Ms Swan relied further upon Mr Koletti's evidence at the inquest that during the search and in the hours that followed, he had held a high level of concern for Ms Caddick's welfare, to the point where *'.. I didn't think I should leave her alone'.*

412. But this evidence was at odds with numerous accounts he had previously provided, in which he repeatedly described Ms Caddick's emotional state that day as *'normal'.*

413. On 13 November 2020 when Mr Koletti first reported his wife's disappearance to police, Constables Riseam and Cameron asked him how she had seemed on the night of 11 November 2020. Mr Koletti had replied: *' … she was fine … obviously she was shaken because we've been through a massive ordeal …'.* But he thought she had been *'… very loving and normal'*. '*Nothing, nothing at all'* had been out of character.

414. An hour later Mr Koletti had told Sergeant Trent Riley: *' … everything seemed pretty normal. We went to bed as normal'.* He had only become concerned about Ms Caddick's absence when he realised the next day that she had not taken her mobile phone with her, and had missed her city appointment at fashion house Dior.

415. Mr Koletti's impressions were consistent with those of Witness B, who recalled that when the officers left on 11 November his mother '*didn't seem that phased by it and .. everything was pretty calm … there was nothing wrong with her really. She was just fine, like she always was'.*

416. But at the inquest Mr Koletti told the court that these near-contemporaneous recollections had not been accurate. The truth was that *'nothing was normal'*. Queried about the discrepancy between this statement and his previous ones describing Ms Caddick's emotional state as *'normal'*, Mr Koletti replied, confusingly, that although his earlier utterances were inaccurate, they were also true '*to the best of my knowledge'.*

417. Mr Koletti was then asked about what he had said on 20 November 2020, in a public appeal for information about Ms Caddick's whereabouts. There Mr Koletti had told the assembled media representatives that he had last spoken with his wife on the night of 11 November 2020, and it had all seemed *'normal'*.

418. But this was not an accurate description either, Mr Koletti told the court. He had said things were normal because he *' .. didn't want to cause confusion in the community',* and wanted to keep things *'.. as nondescript as possible'*.

419. On 24 November 2020, when Mr Koletti participated in a formal interview with NSW police officers, he assured them that after the ASIC officers left on 11 November 2020: *' .. everything was pretty normal. We had dinner as normal. We went to bed as normal. There was nothing out of the ordinary'.*

420. None of this was accurate, Mr Koletti told the court. At the time he had thought it was, but '*reflection*' had made him realise it was not.

421. Mr Koletti's recent assertions that he had believed Ms Caddick to be at risk on 11 November 2020 are impossible to reconcile with his repeated and near-contemporaneous recollections that he had not observed anything concerning about her behaviour.

422. At the inquest Mr Koletti appeared to acknowledge the inherent inconsistencies between his early and later statements. But the explanations he offered did not make sense and cannot be accepted.

423. Also unclear is why Mr Koletti made no complaint at all about the conduct of the executing officers or its alleged impact on Ms Caddick until 21 July 2021, despite having had the opportunity to do so in his numerous previous accounts of what happened that day.

424. I have already made the finding that Mr Koletti's evidence regarding the events of 11 to 13 November 2020 cannot be accepted as reliable. The evidence compels the same finding regarding his claims that Ms Caddick's behaviour on 11 November 2020 gave cause to be concerned for her wellbeing.

425. The evidence of the searching officers, the available video evidence, and the near-contemporaneous accounts of Mr Koletti and Witness B do not support the proposition that Ms Caddick was evidently at risk on the day of the search. That the officers did not arrange psychological assistance for her does not reflect any deficiency in their training and experience. Rather, her behaviour gave them no reasonable basis to consider this was necessary.

426. This does not mean that Ms Caddick was not in fact in distress. Given the circumstances, it would be extraordinary if she had not been feeling a high degree of emotional agitation.

427. In the opinion of forensic psychiatrist Dr Eagle, Ms Caddick's relative composure that day may not have reflected her actual emotional condition. Dr Eagle thought Ms Caddick was most likely experiencing *'intense shame'.* Her outward calmness could be explained by '*her need and ability to maintain a high level of control over her emotions and appearance ..'.* To judge by the statements of Ms Caddick's friends and clients, Dr Eagle thought it likely that Ms Caddick was highly practiced at maintaining an appearance of control.

428. But Dr Eagle resisted Ms Swan's suggestion that the ASIC and AFP officers ought to have understood that Ms Caddick's apparent composure was a façade. On the contrary, Dr Eagle thought it would be '*almost impossible'* for a non-clinician to recognise that a person with Ms Caddick's ability to control her appearance and behaviour was at risk in this situation. She commented that even highly trained professionals struggled to identify complex personality disorders in their clients.

429. Dr Eagle therefore did not support Ms Swan's proposition that it would be useful for police and investigating officers to receive training aimed at recognising the kind of personality disorder which Ms Caddick probably suffered. Since this task was inherently challenging even for clinicians:

> *' .. I don't think there would be any amount of training that would benefit individuals in being able to recognize that type of problem in these circumstances.'*

430. Having regard to the above, I do not accept the submission that on 11 November 2020 the involved officers ought to have detected any need on Ms Caddick's part for psychological or psychiatric counselling, or ought reasonably to have foreseen that she could suffer a psychiatric injury as a result of the day's events. Nor does it raise any basis for concern as to the training and experience of Ms Allen or Federal Agent Griffen.

Should the home's CCTV hard drive have been moved?

431. I will briefly address Ms Swan's submission that ASIC ought not to have taken the hard drive of the CCTV camera at the front of Ms Caddick's house, and that their action in so doing was '*officious, unnecessary and without proper reason'*.

432. As pointed out by Mr Jordan SC, this is not a matter which lies within the coronial jurisdiction. However it forms part of Ms Swan's broader submission, addressed further below, that the involved ASIC and AFP officers exceeded their powers when executing the search warrant that day, necessitating a review of their policies and procedures in this area.

433. Ms Swan urged the court to find that the hard drive was improperly taken, because its contents could not be expected to add to the investigation. It was not part of Ms Caddick's business model to have clients attend at her home. Furthermore '*ASIC already had access to Ms Caddick's bank accounts … and had interviewed potential investors'*.

434. This submission is without merit. The investigation being at a relatively early stage, it was reasonable to anticipate that some at least of Ms Caddick's financial dealings with her clients had been conducted at her home, which was her place of business. Examining the home's CCTV footage would be an obvious investigative step in tracing their identity and the timing of their interactions with her.

435. The search team was unable to minimise the disruption involved in removing the hard drive. It was not open to them to examine its contents at the home or to download them, as Ms Caddick and Mr Koletti either could not or would not provide the password to access it.

436. It is unfortunate that removal of the CCTV hard drive had the effect that the camera did not record any further material after 5.30pm on 11 November 2020. Had it done so, it may well have provided objective evidence as to when Ms Caddick left her home, seemingly for the last time.

437. However it is not appropriate to be critical on that account of the decision to remove it. There was a proper basis to do so, and Ms Caddick's subsequent disappearance could not have been anticipated at the time.

Was the overall conduct of the involved officers disproportionate?

438. I will deal finally with Ms Swans broader submission that during the search, ASIC and AFP officers used *'questionable tactics'* in the exercise of their '*significantly intrusive, compulsive and coercive powers'.*

439. This formed the basis for Ms Swan's closing submission that the manner in which the warrant was executed highlights the need for ASIC's and AFP's policies in this area to be substantially reviewed.

440. Specifically, Federal Agent Griffen was accused of *'overefficiousness in creating a high stress environment for Ms Caddick'*, through *'shadowing and intense observation'*, and depriving her of her communication devices.

441. Ms Swan did not accept the proffered justification for these measures, which was to prevent any attempt by the occupants to hinder the search or to remove evidence. This rationale was dismissed as:

> *' … rather spurious in circumstances where the crime is computer based, much evidence had already been accumulated in the covert (sic) ASIC investigation, and the items seized were clothes, jewellery and art works, hardly disposable down a toilet.'*

442. Overall, the submission was that these measures were disproportionate to what was required, given that the suspected offences were *'at most a financial crime'.*

443. It was not explained why the character of the suspected crimes as financial in nature warranted a different approach to that taken by the executing officers.

444. Furthermore, Ms Swan's submission appears to misconceive the gravity of the offences of which Ms Caddick was suspected, the magnitude of the financial harm inflicted, the likelihood that documentary material (both digital and in hard copy) would provide the evidence in proof of the suspected offences, and the importance of ensuring that it was not interfered with.

445. Likewise not acknowledged was the powerful public interest in ensuring, in a matter of this gravity, that the investigation was comprehensive and would provide a proper basis for determining whether charges could appropriately be laid.

446. With regard to Ms Swan's call for review of ASIC's powers, it is not clear what is meant by the submission that *'the entire modus operandi may need to be reconceptualised, especially for non-violent crimes involving extensive documentary evidence'.* Nor how the evidence could possibly ground Ms Swan's closing recommendation, that ASIC's powers of enforcement be removed and that it should instead perform only regulatory functions.

Conclusion regarding conduct of the ASIC and AFP officers

447. There is no evidence that in the execution of the search warrant, the involved ASIC and AFP officers acted improperly, disregarded the welfare of Ms Caddick or her family, exceeded their powers, or took disproportionate measures to ensure the integrity of the search. Their conduct is not '*deserving of this Court's censure'.*

448. Likewise the accusations levelled against Ms Allen personally are completely without foundation. The evidence establishes that at all times she acted professionally, leading an authorised search for evidence in the investigation of a very serious fraud. What has motivated Mr Koletti and Ms Grimley to single her out for such bitter criticism is not something I am able to answer.

The question of recommendations

449. At the close of her submissions on behalf of Mr Koletti, Ms Swan made a series of submissions and recommendations, which appear at paragraphs 161 to 181 of her written submissions.

450. None of the submissions or recommendations has any basis in the evidence and they are rejected, save for the submission at paragraph 163 that *'[T]here is no evidence that Ms Caddick is still alive'.*

451. A single recommendation has been proposed by Counsel Assisting, which is not opposed by the Commissioner. It arises out of the evidence of DCI Browne that he has drafted certain amendments to the Missing Persons SOPs. One proposed change removes the lower threshold of *'suspicious circumstances'* for notifying an investigation to the Homicide Squad.

452. However as noted by Counsel Assisting, in his evidence at the inquest DCI Browne expressed the intention that the Homicide Squad would still be notified even where there was only a low level of suspicion that a homicide may have occurred. This evidence, as Counsel Assisting submitted, appears to provide scope for confusion when considered against the change which DCI Browne has proposed.

453. I accept this submission, and make the following recommendation:

That the Commissioner of Police consider further revising the Missing Persons Registry SOPs 2023 with a view to making clear the level of suspicion of homicide having occurred that is required in order to warrant notification to the Homicide Squad.

Conclusion

454. I will close by conveying to Ms Caddick's family my sympathy for the loss of their mother, wife, daughter and sister.

455. I thank the Assisting team for their outstanding support in the conduct of this inquest.

456. I thank also the Officer in Charge, Detective Sergeant Michael Foscholo, for his work in conducting the investigation and compiling the coronial brief of evidence.

Findings required by s81(1)

457. As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I make the following findings:

Identity

The person who has died is Melissa Caddick.

Place of death

The evidence does not enable a finding as to the place of Melissa Caddick's death.

Date of death

The evidence does not enable a finding as to the date of Melissa Caddick's death.

Cause of death

The evidence does not enable a finding as to the cause of Melissa Caddick's death.

Manner of death

The evidence does not enable a finding as to the manner of Melissa Caddick's death.

458. I close this inquest.

Magistrate E Ryan
Deputy State Coroner
Lidcombe
Date 25 May 2023