



New South Wales

**CORONERS COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Hsiu Kuo

Hearing dates: 17 to 21 August 2026

Date of Findings: 4 September 2026

Place of Findings: Coroners Court of New South Wales, Lidcombe

Findings of: Judge Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – date and place of death, cause and manner of death, missing person with dementia, coordinated land search, LandSAR Coordinator, CCTV canvassing, request to Rescue & Bomb Disposal Unit, allocation of Officer-in-Charge, lost person behaviour, risk assessment, identification of search areas

File number: 2021/00020798

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Findings:

Hsiu Kuo, who was reported as a missing person to the NSWPF on 20 July 2020, is now deceased.

Mr Kuo died on 20 or 21 July 2020 in the vicinity of Dee Why Lagoon, Dee Why, New South Wales 2099.

The cause of Mr Kuo's death was the consequences of exposure.

Mr Kuo died as a result of misadventure after leaving Manly Leagues Club on the evening of 20 July 2020 and walking to and entering the Dee Why Lagoon area, not realising the risk that this posed to his safety. Due to the environmental conditions and Mr Kuo's underlying medical conditions, including most significantly, dementia, he likely became disoriented and delirious, and unable to seek shelter or assistance, self-rescue or exit the lagoon area.

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1. Introduction

- 1.1 On the evening of 20 July 2020, Hsiu Kuo, an 82-year-old man, and his wife travelled by bus to Manly Leagues Club (**Club**). Mr Kuo spent some time playing the poker machines before indicating to his wife that he wanted to go home.
- 1.2 At around 10:22pm, Mr Kuo left the Club and walked towards the corner of Federal Parade and Pittwater Road. Mr Kuo turned right and walked out of sight of a CCTV camera at the location.
- 1.3 At around 11:00am on 21 July 2020, Mr Kuo's son reported Mr Kuo as a missing person the New South Wales Police Force (**NSWPF**). Over the following days the NSWPF made various enquiries in an attempt to locate Mr Kuo or obtain some indication of his whereabouts. Land searches were later conducted at two locations where Mr Kuo was considered to have last been. None of these enquiries and searches uncovered any sign of Mr Kuo.
- 1.4 On 22 January 2021, council workers carrying out bush regeneration activities found Mr Kuo close to the waterline on the northern side of Dee Why Lagoon. Mr Kuo was deceased and his body was severely decomposed. Mr Kuo was found approximately 2.5 kilometres from the Club.

2. Why was an inquest held?

- 2.1 On 22 January 2021, the NSWPF submitted a report to the Coroner indicating that Mr Kuo had been found deceased after being reported as missing. As Mr Kuo was found approximately six months after he was reported as missing, this raised immediate questions about the cause and manner of his death and when he died. If a Coroner is unable to answer these questions, then an inquest must be held.¹
- 2.2 In addition, it became apparent that although Mr Kuo was reported as missing on 21 July 2020, coordinated land searches to look for Mr Kuo were not eventually conducted until 13 August 2020. It was also unclear how Mr Kuo had travelled to the vicinity of Dee Why Lagoon and what may have occurred after he arrived there. Finally, several questions were raised regarding the appropriateness of the NSWPF response to Mr Kuo being reported as a missing person and whether there were any missed opportunities to progress the missing person investigation in a meaningful way.
- 2.3 In this context, it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion by the State into what is usually one of the most traumatic events in the lives of family members who have reported a loved one as missing. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of such a traumatic event in private. The sense of loss experienced by family members does not diminish significantly over time. Therefore, it should be acknowledged that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.

¹ *Coroners Act 2009*, section 27.

3. Mr Kuo's life

- 3.1 Inquests and the coronial process are as much about life as they are about death. A coronial system exists because we, as a community, recognise the fragility of human life and value enormously the preciousness of it. Understanding the impact that the death of a person has had on those closest to that person only comes from knowing something of that person's life. It is hoped that what is set out briefly below acknowledges Mr Kuo's life in a meaningful way.
- 3.2 Mr Kuo was born on 14 September 1937 in Taiwan. In 1988, Mr Kuo emigrated to Australia with his wife, Hsu Chen Mei Kuo, and son, Yi-Hao (Simon) Kuo. Mr Kuo later became an Australian citizen.
- 3.3 Mr Kuo's first languages were Mandarin and Hokkien. He spoke limited English and sometimes went by the name, "Jason", for convenience.
- 3.4 Mr Kuo had worked as a kitchen hand and on a fishing trawler and had also previously delivered newspapers before retiring. Mr Kuo lived with his wife and son in Neutral Bay.
- 3.5 Regrettably, little else is known about Mr Kuo's background, personal life, and the person that he was. However, there is no doubt that Mr Kuo is greatly missed by his family and loved ones, and that the uncertainty that surrounded Mr Kuo going missing before he was eventually found has only compounded the grief and loss that they have tragically experienced.

4. Mr Kuo's medical history

- 4.1 The factual summary below has been drawn from a set of Agreed Facts, helpfully prepared by the Assisting Team, which was tendered into evidence during the inquest.
- 4.2 Mr Kuo had a history of Alzheimer's dementia, hypertension, gastro-oesophageal reflux, hypercholesterolaemia, hypertriglyceridaemia and musculoskeletal pain. He smoked between one and two packets of cigarettes each day.
- 4.3 By 2010, Mr Kuo had developed symptoms of Alzheimer's dementia including memory loss and a formal diagnosis of moderate Alzheimer's dementia was made in 2013. By March 2015, Mr Kuo's condition was assessed as moderately severe.
- 4.4 By March 2015, Mr Kuo was described as dependent on his wife for domestic tasks, medication management and his safety in the community. Mr Kuo became easily lost in unfamiliar surroundings and his wife accompanied him everywhere. Simon also reported instances of aggression associated with Mr Kuo's dementia.
- 4.5 On 13 July 2020, Mr Kuo last attended his general practitioner for a respiratory tract infection.

5. Previous missing person reports

- 5.1 Between 2015 and 2019, the NSWPF recorded 10 occasions when Mr Kuo was reported missing. On several of these occasions, Mr Kuo had travelled considerable distances by public transport or on foot and was found disoriented or unable to return home.
- 5.2 In July 2015, Mr Kuo became separated from his wife while they were travelling to Balgowlah. Rangers found him later that day wandering in Phillip Street in the Sydney central business district. The NSWPF discussed the Safely Home Program with a family friend and provided paperwork to assist Mr Kuo's family.
- 5.3 In October 2017 and March 2018, Mr Kuo travelled by bus and was located in central Sydney and at Chatswood Police Station, respectively. On both occasions, the NSWPF returned him home.
- 5.4 During 2018, Mr Kuo was also located on Wakehurst Parkway, at a unit in South Coogee, at The Rocks Police Station and at a bus stop near Warringah Mall. In April 2019, he became separated from his wife after leaving Dee Why RSL and was found later that day walking along Botany Road at Mascot.
- 5.5 In October 2019, Mr Kuo went missing while delivering newspapers with his wife in Balgowlah and was located the following evening. On 11 November 2019, Mr Kuo left home and was located shortly after midnight in Seaforth.

6. Events of 20 and 21 July 2020

- 6.1 On 20 July 2020, Mr and Mrs Kuo went shopping before travelling by bus to the Club. Mr Kuo enjoyed playing the poker machines there and he and his wife attended the Club about two or three times each week.
- 6.2 Mr Kuo did not have a wallet, Opal card or identification with him. His wife gave him \$50 to use on the poker machines. At about 10.00pm, Mr Kuo said that he wanted to leave and go home. Mrs Kuo told him to go outside first and have a cigarette.
- 6.3 At around 10:22pm, Mr Kuo was captured by CCTV cameras to leave the Club. He walked down Federal Avenue, turned right onto Pittwater Road and travelled out of view. Mrs Kuo later went outside to look for him. She checked the nearest bus stop and waited inside the Club in case Mr Kuo returned. When he did not return, Mrs Kuo travelled home alone sometime after midnight.
- 6.4 According to his wife, Mr Kuo had not previously gone missing after walking away from her at the Club. Mr Kuo was familiar with Manly and Balgowlah, and his wife described him as fit and able to walk a long distance or for a long period of time. However, Mrs Kuo did not believe that her husband knew how to travel home from the Club to Neutral Bay.
- 6.5 At approximately 11.00am on 21 July 2020, Simon telephoned North Sydney Police Station and reported Mr Kuo as missing. NSWPF officers from North Shore Police Area Command (**NSPAC**) attended the Kuo family home a short time later. Mrs Kuo told the NSWPF officers (with translation

assistance from Simon) about when and in what circumstances Mr Kuo had left the Club the previous evening.

Initial NSWPF response

- 6.6 At 1.26pm on 21 July 2020, Constable² Bryanna Gambrill created a NSWPF event record. Her inquiries that day included contacting Royal North Shore Hospital, Northern Beaches Hospital and Sydney Buses; contacting the Club manager and checking CCTV footage; creating a missing person report; and arranging a media release.
- 6.7 The NSWPF received a report of an elderly man in Haberfield seen walking in a bus lane and appearing lost at approximately 11.45am on 21 July 2020 (**Haberfield Sighting**).
- 6.8 Constable Gambrill later assessed Mr Kuo as a medium-risk missing person noting his severe dementia, age, confusion, limited English and inability to find his way home. At 3.35pm, Sergeant Kase Nayel reviewed the assessment and also considered Mr Kuo to be as a medium risk noting his history of dementia, the absence of cards or a telephone, and his history of going missing and later reappearing.
- 6.9 At 8.00pm, the NSWPF Media Unit issued a release seeking public assistance. It reported that serious concerns were held for Mr Kuo's welfare because of his age and a medical condition and included a description and a photograph. A version was also posted on the NSWPF Facebook page. Later that evening, further enquiries were made with hospitals and Mr Kuo's family without any new information obtained.

7. Investigation from 22 to 27 July 2020

- 7.1 On 22 July 2020, Mr Kuo's missing person report was discussed at the Northern Beaches Police Area Command (**NBPAC**) morning crime review. It was decided that the investigation would remain with NBPAC as Mr Kuo had last been seen in that area.
- 7.2 Detective Senior Constable Dan Fisher, an investigator from the Missing Persons Registry (**MPR**), sent suggested investigative steps and the *2020 Missing Persons, Unidentified Bodies & Human Remains Standard Operating Procedures (2020 Missing Person SOP)* to NBPAC officers. Detective Sergeant Winston Langthorne contacted the Rescue and Bomb Disposal Unit (**RBDU**). The contact was recorded as a notification only because Mr Kuo had last been seen in an urban area, was thought likely to have used public transport and no defined search area had been identified.
- 7.3 The NSWPF continued to contact hospitals and the family. Detective Sergeant Langthorne conducted an afternoon CCTV canvass near the Club but did not obtain any footage or make a record of the canvass.
- 7.4 On 23 July 2020, a case was created and allocated to Senior Constable Courtney Pietens of Northern Beaches General Duties. Detective Chief Inspector Michael Boutouridis asked detectives to review

² For consistency, some of the ranks of NSWPF officers at the time of the events in 2020 have been used in these Findings. No disrespect or discourtesy is intended to those officers who have since been promoted to higher rank or are no longer serving members of the NSWPF.

whether more could be done, including obtaining authority to release a photograph and making inquiries about Mr Kuo's Opal card.

- 7.5 Senior Constable Pietens made inquiries about the Club's CCTV cameras, the last use of Mr Kuo's membership card and taxi activity near the Club. Manly Warringah Cabs advised that no taxis were ordered or hailed in the area between 10.00pm and midnight on 20 July 2020. Detective Senior Constable Daniel Ayling investigated the possible Haberfield Sighting and spoke with Simon about obtaining a more recent photograph.
- 7.6 On 24 July 2020, Detective Senior Constable Ayling was allocated as Officer-in-Charge (**OIC**) while he was absent on rostered leave and rest days from 24 to 26 July 2020. During 24 July 2020, detectives contacted hospitals across several Local Health Districts, multiple taxi companies and Transport for NSW. The original media release was distributed across NSWPF Facebook pages.
- 7.7 On 25 July 2020, Simon attended Dee Why Police Station and supplied more recent photographs of Mr Kuo.
- 7.8 On 27 July 2020, Detective Senior Constable Ayling removed himself as OIC, returned that role to Senior Constable Pietens and added himself and Plain Clothes Senior Constable Rodney Meredith as assisting officers. The NSWPF circulated a photograph of Mr Kuo to Transport for NSW and checked the Lidcombe morgue for unidentified bodies.
- 7.9 Detective Senior Constable Ayling considered that the photographs supplied by Simon did not accurately depict Mr Kuo's appearance. He obtained an image from the Northern Beaches Elderly Wanderers Portfolio, uploaded it as the best current image and marked it for dissemination.

8. Further investigation and searches

- 8.1 On 30 July 2020, Plain Clothes Senior Constable Meredith collected CCTV footage from the Club and canvassed nearby businesses for other footage. He also initiated inquiries with Medicare, Centrelink and in relation to the Opal cards of Mr and Mrs Kuo.
- 8.2 Between 31 July and 4 August 2020, further inquiries were made with the Brookvale Bus Depot, homeless shelters, the MPR and businesses near the Club. On 4 August 2020, Detective Chief Inspector Boutouridis and Plain Clothes Senior Constable Meredith reviewed the case and identified a land search as a priority.
- 8.3 On 5 August 2020, a further NSWPF media release was issued. It included the original image and the image obtained from the Elderly Wanderers Portfolio.
- 8.4 On 6 August 2020, officers from NBPAC, the MPR and the RBDU met at Manly Police Station. The MPR emphasised the need for effective and accurately recorded physical searches. Possible searches at Haberfield and near the Club were discussed, together with further media, transport and witness inquiries.

- 8.5 Also on 6 August 2020, the NSWPF obtained an electronic statement from Mrs Kuo and searched the Club's fire exits and corridors. Further CCTV canvassing occurred on 7 August 2020. Sydney Water Police patrolled the shoreline of Iron Cove Bay, and Detective Chief Inspector Boutouridis later searched the area surrounding the Club.
- 8.6 On 13 August 2020, police and other agencies conducted two land searches. The first covered Robson Park, Timbrell Park, Iron Cove Creek and nearby properties in response to the possible Haberfield Sighting. The second covered foliage along Greendale Creek, a pedestrian route extending west from the Club, and a stormwater outlet and bush track. No sign of Mr Kuo was found.
- 8.7 The NSWPF also responded to a possible sighting in Ultimo, released CCTV footage from the Club, sought assistance from Chinese-language media and continued reviewing the investigation. On 18 August 2020, a further case review took place.

Discovery of Mr Kuo

- 8.8 At about 11.30am on 22 January 2021, a council worker undertaking bushland regeneration found significantly decomposed human remains, later identified to be Mr Kuo, at the northern side of Dee Why Lagoon Nature Reserve, at the water's edge among reeds.
- 8.9 Plain Clothes Senior Constable Meredith attended. He observed that the clothing was similar to that worn by Mr Kuo when he was last seen and that Mr Kuo's upper teeth were missing, consistent with information obtained about his dental condition. A cigarette lighter, a packet of cigarettes and coins were found with Mr Kuo.

9. Post-mortem examination

- 9.1 On 27 January 2021, Dr Marna du Plessis, forensic pathologist, performed a post-mortem examination of Mr Kuo at Forensic Medicine Sydney with the following relevant findings made:
- (a) severe decomposition present with mummification and skeletonisation;
 - (b) no features of trauma identified;
 - (c) no evidence of haemorrhage or notable pathology; and
 - (d) no bodily fluids, tissue or other specimens are suitable for histological or toxicological analysis.
- 9.2 Dr du Plessis explained that in light of the circumstances surrounding Mr Kuo's death and the post-mortem findings, the cause of death could not be ascertained. However, Dr du Plessis noted that Mr Kuo had multiple comorbidities including uncontrolled hypertension which can be a risk for significant vascular disease, end-organ damage and that sudden death. It was also noted that Mr Kuo was hypertensive, had a history of hypercholesterolaemia, and was not taking his treatment which can further complicate vascular disease. Finally, Dr du Plessis noted that exposure to the elements cannot be excluded as a contributing factor to Mr Kuo's death.

10. What issues did the inquest consider?

10.1 Before the inquest started, a list of issues was circulated amongst the sufficiently interested parties, identifying the scope of the inquest and the issues to be considered. That list identified the following issues for consideration:

- (1) Where was the place of Mr Kuo's death and what was the date and cause of his death.
- (2) The adequacy of the conduct and management of the missing person investigation between 21-27 July 2020, including:
 - (a) The allocation of the investigation to an officer in charge.
 - (b) The communication and coordination of responsibilities and investigative tasks between officers involved in the investigation, including considering and/or actioning advice received from the Missing Persons Registry.
 - (c) The conduct of officers undertaking particular tasks, including:
 - i. the assessment and re-assessment of risk;
 - ii. patrol or patrols around the location where Mr Kuo was last seen;
 - iii. CCTV canvassing; and
 - iv. provision of information to and engagement with the Rescue and Bomb Disposal Unit regarding potential land search(es).
 - (d) The non-identification of the proximity of bodies of water to the last known sighting location, relevant to risk assessment and potential search efforts.
 - (e) Compliance with the "Missing Persons, Unidentified Bodies & Human Remains" NSW Police Force Standard Operating Procedure in force as at July 2020.
- (3) The adequacy and reasonableness of the search-related advice given, and searches undertaken, in the course of the investigation, including:
 - (a) The response of the Rescue and Bomb Disposal Unit to the notification of Mr Kuo's disappearance.
 - (b) The delay between the identification of search areas on 7 August 2020 and the conduct of the search of those areas on 13 August 2020.
 - (c) The areas which were the subject of searches on 13 August 2020.

- 10.2 As part of the coronial investigation, the following independent experts were instructed to provide reports addressing a number of questions regarding the circumstances of Mr Kuo's suspected death:
- (a) Detective Sergeant Kyle Simpson, specialist missing persons investigator, Victoria Police;
 - (b) Adjunct Professor Tuly Rosenfeld, consultant geriatrician and physician; and
 - (c) Dr James Whitehead, a former Queensland Police State Search and Rescue Coordinator and training officer, and expert in search and rescue activities.
- 10.3 Each of the experts provided reports addressing issues to assist the coronial investigation and also gave evidence during the inquest.

11. What was the cause and manner of Mr Kuo's death?

- 11.1 Dr Luckin expressed the view that there were two possible scenarios after Mr Kuo left the Club on 20 July 2020:
- (a) Mr Kuo walked north on the northbound side of Pittwater Road until he reached a gap in the fence at a bridge over a creek leading to Dee Why Lagoon and waded through the gap down towards the creek. Dr Luckin considered this scenario to be the most likely and explained that Mr Kuo "*would not have been able to recognise that he was entering an area which posed an extreme threat to his life*". Dr Luckin considered that after entering the creek area, Mr Kuo could have walked alongside the creek towards the lagoon but it was more likely that he fell into the water.
 - (b) Mr Kuo walked north on the southbound side of Pittwater Road until he reached a gap in the fence or between the fence rails at the above bridge and walked through the gap, following the creek down to bushland surrounding the lagoon. Dr Luckin explained that due to his dementia, Mr Kuo would not have been able to understand his situation or that he was heading into a dangerous area. Dr Luckin considered that once Mr Kuo entered the bush, he would not have been able to retrace his path back to the road and would not have understood that he needed to.
- 11.2 In either scenario, Dr Luckin referred to the following relevant matters:
- (a) if Mr Kuo fell on a wet, muddy surface, he may not have been able to get up;
 - (b) if Mr Kuo had entered the waters of the creek or lagoon, sudden immersion in cold water causes an immediate gasp response with rapid uncontrolled breathing and a high risk of aspiration of water;
 - (c) for a person of Mr Kuo's age with dementia and being a non-swimmer, "*sudden immersion [in] cold water is likely to result in death within minutes*"; and

(d) if Mr Kuo had entered the creek he would have been washed down to the lagoon.

11.3 Dr Luckin also identified several factors relevant to the circumstances in which Mr Kuo found himself in:

- (a) Minimum temperature recorded from Terrey Hills weather station overnight on 20 July 2020 was 7.3°C with a significant windchill factor reducing the effective temperature to about 3°C. This would have been cold enough to cause Mr Kuo to “*become progressively more hypothermic, resulting in lethargy, weakness, decreased level of consciousness and death*”.
- (b) Such cold temperature would have decreased Mr Kuo’s reasoning, ability to understand his situation, and ability to take measures to promote survival and added to the effects of his dementia;
- (c) Mr Kuo’s clothing may have become wet from sitting or lying on cold, probably wet, ground when fatigued or walking through wet vegetation which would have hastened the development of hypothermia;
- (d) Dr Luckin noted that Mr Kuo’s clothing (a jacket, sweater underneath and pants as well as footwear) would have been inadequate for overnight temperatures around 3°C;
- (e) Darkness on the evening meant that Mr Kuo likely would not have been able to see where he was walking and he may have possibly walked into the water before realising it was there.
- (f) On 21 July 2020, low tide was at 2:45am. If Mr Kuo reached the lagoon within hours of leaving the club, the water would have been at a low level, exposing a significant area of soft and slippery ground increasing the likelihood of Mr Kuo falling.
- (g) Once in the lagoon area, Mr Kuo’s dementia would have made it difficult for him to make or seek basic shelter.

11.4 In his report, Dr Luckin opined that the cause of Mr Kuo’s death was hypothermia. In evidence, Dr Luckin expressed the view that “*the most likely scenario is that [Mr Kuo] walked down and then fell into or walked into the stream, drowned in a stream within a very short period and was then washed down*”.

11.5 Professor Rosenfeld expressed the following views relevant to the manner and cause of Mr Kuo’s death:

- (a) at the time Mr Kuo went missing, he was suffering from moderate to severe dementia and likely to have suffered with vascular brain disease;
- (b) Mr Kuo had symptoms of a respiratory infection (based on his most recent presentation to his GP the week before he went missing) and his physical health and well-being would likely have been worsened and his resilience lessened;

- (c) in circumstances where Mr Kuo had no access to medical treatment, he would have been “*lost and likely have become disorientated without support, cues and guidance, likely agitated and delirious notwithstanding the effects of being out at night, presumably in wet, winter weather*”;
- (d) Mr Kuo would have been adversely affected by exposure;
- (e) if Mr Kuo had suffered a fall at or after the time he went missing, it is likely he would have had difficulty getting back to his feet particularly if he sustained an injury at the time of the fall; and
- (f) without treatment, supervision, guidance, nutrition and with exposure to the elements, Mr Kuo’s prognosis would have been very poor.

11.6 **Conclusions:** Given the location where Mr Kuo was ultimately found, it is most likely that after leaving the Club he walked north along Pittwater Road until reaching a point near the bridge over the creek leading to Dee Why Lagoon where he walked down to the creek area. Mr Kuo would not have appreciated the danger to himself in doing so and once in the area, would not have been able to find his way back to the road.

11.7 It is not possible to reach a precise conclusion regarding what happened to Mr Kuo once he was within the creek area. It is possible that Mr Kuo may have walked or fallen into the creek or that he may have followed the creek until near the location where he was ultimately found.

11.8 The expert evidence indicates that Mr Kuo would have been particularly vulnerable to the low temperature overnight on 20 to 21 July 2020, that Mr Kuo was inadequately dressed for the environmental conditions, that Mr Kuo could have easily become wet from the environmental conditions which would have hastened the development of hypothermia, that it would have been difficult for Mr Kuo to self-rescue if he had fallen into the water, and that if Mr Kuo entered the water he would have been susceptible to aspiration of water, progressive hypothermia or drowning.

11.9 Given the range of possibilities described above, the absence of any definitive finding from the limited post-mortem examination, and the opinion expressed by Dr du Plessis, the cause of Mr Kuo’s death is best described as the consequences of exposure. Whilst Mr Kuo’s underlying co-morbidities are likely to have contributed to his death, there is no evidence that any condition in isolation naturally caused Mr Kuo’s death. Therefore, the manner of Mr Kuo’s death is misadventure.

12. What was the date and place of Mr Kuo’s death?

12.1 Given the two scenarios described by Dr Luckin, once Mr Kuo entered the creek area near Dee Why Lagoon he did not exit, and remained at the location until his death. Dr Luckin expressed the view that:

- (a) if Mr Kuo had been in the water he would have “*perished within a very short time*”;
- (b) if Mr Kuo had been on land, he “*might have survived for a few hours longer*”; and

(c) ultimately, Mr Kuo would not have survived “*until daybreak on Tuesday, 21 July 2020*”.

12.2 Professor Rosenfeld similarly opined that Mr Kuo “*would have survived a short time, probably up to 24 but probably not longer than 48 hours*”.

12.3 **Conclusions:** The expert evidence establishes that Mr Kuo died on 20 or 21 July 2020 in the vicinity of Dee Why Lagoon, Dee Why, New South Wales 2099.

13. Allocation of an Officer-in-Charge

13.1 Section 9.2 of the 2020 Missing Person SOP provides that it is “*possible and often appropriate for the officer who takes [a missing person] report to be the Officer-in-Charge*”. This section is repeated in the 2026 version of the Missing Person SOP (**2026 Missing Person SOP**).

13.2 After Simon called North Sydney Police Station on 21 July 2020 to report Mr Kuo as missing, NSWPF officers from North Shore Police Area Command (**NSPAC**) attended the Kuo family home. At 1:26pm. Constable Breyana Gambrill created a case narrative on the Computerised Operational Policing System (**COPS**).

13.3 On 22 July 2020, Detective Senior Sergeant Langthorne was informally relieving in the position of Investigations Manager. At the time, Sergeant Michael Morrall, who held the substantive position of Investigation Manager and who was also the Missing Persons Coordinator, was performing duties related to the COVID-19 pandemic near the NSW-Victoria border. Detective Senior Sergeant Langthorne gave evidence that he was only performing Investigations Manager duties, and not performing any Missing Person Coordinator duties, whilst relieving in Sergeant Morrall’s position.

13.4 Detective Senior Sergeant Langthorne gave evidence that on the morning of 22 July 2020 there was a meeting at Dee Why Police Station involving different section heads within Northern Beaches Police Area Command (**NBPAC**). It was agreed that Mr Kuo’s missing person investigation would remain with NBPAC (as Mr Kuo was last known to be in the Brookvale area) rather than being transferred back to NSPAC (where the missing person report had been made) and that the NBPAC Detectives’ Office would take carriage of the investigation.

13.5 Detective Senior Sergeant Langthorne gave evidence that at the meeting there was no discussion about whether an OIC had been allocated to the matter even though it was his understanding that an OIC is commonly allocated to a missing person investigation at a very early stage.

13.6 At 1:00pm on 22 July 2020, Detective Sergeant Gavin Franklin recorded a COPS entry noting the following:

The matter was transferred to Northern Beaches PAC as per the MP SOPS (last seen in NB PAC). D/Sgt LANGTHORNE from NB PAC was spoken to and advised they will take over the investigation.

13.7 Detective Senior Sergeant Langthorne gave evidence that:

- (a) he did not consider that NBPAC detectives took responsibility for, and ownership of, the investigation;
- (b) rather, by taking carriage of the investigation, he could allocate investigative tasks to detectives “*straight away*” instead of waiting for general duties officers, who were occupied with their everyday duties, to perform such tasks;
- (c) he tasked Detective Senior Constable Daniel Ayling and Plain Clothes Senior Constable Rodney Meredith with certain jobs; and
- (d) Plain Clothes Senior Constable Meredith “*was placed as the [OIC] of the investigation*” meaning that he was “*going to be the main investigator for what we were going to do*”.

13.8 When asked to describe his understanding of the ownership of, and responsibility for, the missing person investigation at this stage, Detective Senior Sergeant Langthorne gave this evidence:

So, at that stage, I believe that general duties was still, like, the nominative officer-in-charge of the job because we were just doing those urgent inquiries that needed to be done straight away to see if we could get an idea of where Mr Kuo was. After that fact, I can't remember if it was the next day or early next week. A decision was made for it - no - come wholly under the control of the detectives' office.

13.9 Detective Senior Sergeant Langthorne gave evidence that in this sense there were differences between how the investigation was being managed in practice and what was recorded in the records.

13.10 On 23 July 2020, Acting Sergeant Lorraine Yates, who appears to have been performing the role of Crime Coordinator, allocated Mr Kuo's case to Senior Constable Courtney Pietens who was attached to General Duties within NBPAC. At 1:19pm, Senior Constable Pietens recorded a case narrative indicating that she had been allocated Mr Kuo's missing person case but had been advised that NBPAC detectives “*were currently actioning it*”.

13.11 On the morning of 24 July 2020, Sergeant Damon Flakelar, the NBPAC Crime Coordinator, removed Senior Constable Pietens as the OIC and allocated the missing person case to Detective Senior Constable Ayling. Sergeant Flakelar stated that at a morning meeting that day involving the NBPAC Commander, Crime Manager and Investigations Manager, it was decided that a detective team leader should “*look over the case*”. Detective Senior Constable Ayling was on rostered leave and rest days at the time and not returning to duty until 26 July 2020.

13.12 On 27 July 2020, Detective Senior Constable Ayling removed himself as OIC on the COPS record and reinstated Senior Constable Pietens as the OIC. Detective Senior Constable Ayling added himself and Plain Clothes Senior Constable Meredith as assisting officers. Detective Senior Constable Ayling gave evidence that upon his return to work on 27 July 2020 he sought approval to re-assign the case back to Senior Constable Pietens as he did not consider it appropriate for the detectives to have formal carriage of the matter given the number of outstanding iAsk enquiries. This issue is dealt with further

below. At the time of the case being reassigned to Senior Constable Pietens, she was on rostered days off from 26 July 2020 before returning to duties on 30 July 2020.

13.13 In his report, Detective Sergeant Simpson expressed the view that in the period between 24 July 2020 and 30 July 2020, it “*does not appear as though any substantial enquiries were documented as having been conducted through this period*”. Ultimately, Detective Sergeant Simpson expressed this opinion:

From the material before me I am of the opinion that there was an apparent breakdown in communication between the various police involved in this matter up until the time the investigation was wholly taken over by Northern Beaches Detectives. This breakdown in communication in my opinion reduced the overall efficacy of the investigation during the period of transition between initial report to investigation phase and potentially set back an investigation that was already “on the back foot” through the initial delay in reporting by the family.

13.14 **Conclusions:** Between 22 and 30 July 2020, it was unclear whether NBPAC Detectives or General Duties had assumed carriage and overall responsibility for Mr Kuo’s missing person investigation. Whilst at various stages Detective Senior Constable Ayling, Senior Constable Pietens and Plain Clothes Senior Constable Meredith were allocated as the OIC, the frequency with which this position changed meant there was a lack of continuity and direction in the initial stages of the investigation. The evidence indicates that at various stages, detectives could assist with actioning urgent tasks and offer input but that the investigation remained with Senior Constable Pietens and General Duties. The view was also taken by NBPAC detectives that the matter should remain with General Duties due to several outstanding iAsk requests.

13.15 Overall, it is difficult to make any qualitative assessment of the degree to which the efficacy of the missing person investigation was impacted by the lack of clarity regarding who was the OIC and whether the detectives were operating in an assisting or leadership capacity. However, given the expert evidence regarding the likely timing of Mr Kuo’s death, it is unlikely that these issues materially impacted upon Mr Kuo’s prospects of survival and being found. However, an obligation still rested with the NSWPF to locate Mr Kuo, or his remains, as soon as possible.

14. Coordination of responsibilities

14.1 Detective Senior Sergeant Langthorne gave evidence that he considered that by the morning of 22 July 2020, there were three urgent tasks to be performed:

- (a) making enquiries with all major hospitals in Sydney to determine whether Mr Kuo had presented at any of them;
- (b) obtaining CCTV footage from buses and bus stops in the Northern Beaches area; and
- (c) establishing whether Mr Kuo had travelled north or south on Pittwater Road after leaving the Club.

- 14.2 The 2020 Missing Persons SOP provided that one of the immediate responsibilities of an OIC for an adult missing person case is to refer to the Missing Persons Checklist (**Checklist**) for information to be gathered. On 24 April 2020, Detective Chief Inspector Michael Boutouridis, the NBPAC Crime Manager, circulated an email to the entire NBPAC reminding staff of key points in the 2020 Missing Person SOP and attaching the Checklist.
- 14.3 Detective Senior Sergeant Langthorne gave evidence that whilst he received and read Detective Chief Inspector Boutouridis' email, he did not, on 22 July 2020, turn his mind to either the 2020 Missing Persons SOP or the Checklist and was unable to explain why he did not do so. Detective Senior Sergeant Langthorne gave evidence that the approach he took on 22 July 2020 was to identify gaps in the investigation based on his own assessment without reference to the Checklist. For example, on 22 July 2020, Detective Senior Sergeant Langthorne contacted the RBDU regarding a possible coordinated land search for Mr Kuo and undertook a canvass of the area around the Club to identify whether any CCTV cameras might have captured Mr Kuo's movements. These matters are discussed in more detail below.
- 14.4 As noted already, the usual Missing Persons Coordinator, Sergeant Morrall, was absent from NBPAC performing unrelated duties. Detective Chief Inspector Boutouridis gave evidence that Detective Senior Sergeant Langthorne was effectively relieving in the role of Investigations Manager rather than Missing Persons Coordinator. Detective Chief Inspector Boutouridis also gave evidence that the Missing Persons Coordinator was relatively new and that he did not "*outline exactly what [that] portfolio entail[ed]*".

14.5 **Conclusions:** The 2020 Missing Person SOP required an OIC of a missing person investigation to refer to the Checklist to identify the information that needed to be gathered in the initial stages of an investigation. Although Detective Senior Sergeant Langthorne was aware of both the 2020 Missing Person SOP and Checklist, he did not turn his mind to either document on 22 July 2020. Instead, Detective Senior Sergeant Langthorne relied upon his own experience as a NSWPF officer to identify what investigative steps needed to be taken immediately. These steps included performing a canvass for possible CCTV footage which may have captured Mr Kuo's movements and considering the need for a coordinated land search.

14.6 It should be noted that Detective Senior Sergeant Langthorne was not formally acting in the role of NBPAC Missing Persons Coordinator at the time. Further, the evidence suggests that the responsibilities of this role had not been precisely articulated at the time.

15. Communication

- 15.1 This issue focused on the nature of the communications between Detective Senior Constable Ayling and Senior Constable Pietens in the context of the changing allocation of OIC as already discussed above.
- 15.2 Senior Constable Pietens gave evidence that as one of her first tasks, she requested CCTV footage from the Club. However, Senior Constable Pietens gave varying evidence as to whether a canvass of an area beyond the Club ought to have been performed. Senior Constable Pietens initially gave evidence that she "*thought that was something the detectives would action*". She then gave

evidence that, based on her knowledge of the local area, she believed there were no other locations around the Club that had a CCTV camera installed. Finally, Senior Constable Pietens gave evidence that she did not have any capacity to perform a CCTV canvass given her duties as a first response NSWPF officer.

- 15.3 In relation to her communication with Detective Senior Constable Ayling regarding any investigative steps that needed to be taken, Senior Constable Pietens gave this evidence:

I was not given any direction by Detective Ayling; we just had a discussion in which I told him what I was going to do, which was follow up the CCTV and I was going to contact taxis and things like that, and he just told him [sic] the detectives were also actioning it.

- 15.4 Senior Constable Pietens also gave evidence that:

- (a) she believed that “*there was no iAsk that could be done*” because Mr Kuo did not have an Opal card or any bank cards;
- (b) whilst she was aware of the iAsks that she used regularly as part of her everyday duties, she considered it would be unreasonable to expect a NSWPF officer to know all of the iAsks that were available which numbered between 150 to 180;
- (c) in July 2020, she was unaware that an iAsk request could be made for CCTV footage from buses in the Sydney area;
- (d) if she had been aware in July 2020 that such an iAsk request could be made, she would have pursued it;
- (e) notwithstanding, it would have been reasonable to ask Detective Senior Constable Ayling what iAsks might have been appropriate in this case; but
- (f) “*it could be done the other way as well*”, meaning that as the senior officer, Detective Senior Constable Ayling could have asked Senior Constable Pietens as the junior officer to complete certain tasks.

- 15.5 On 27 July 2020, Detective Senior Constable Ayling added the following case comment:

Hi Courtney,
The case will stay with you for now. Rod and I will assist. Please update as you receive results for your iasks and maintain contact with SNOK Simon.
Thanks.

- 15.6 Senior Constable Pietens gave evidence that she read the comment but could not recall when. She also gave evidence that she recorded “*everything in [her] narratives very diligently*” and that if Detective Senior Constable Ayling had reviewed the investigation case notes it would have been apparent that no iAsks had been applied for. Senior Constable Pietens agreed that she could have communicated this to Detective Senior Constable Ayling but that she was “*also under the impression that the detectives were handling the case*”. She also gave evidence that “*simply writing*

a case comment, where he's assumed that I've applied for an iAsk is not the same as being given a direction".

- 15.7 Senior Constable Pietens agreed in her evidence that she did not maintain contact with Mr Kuo's son as requested in Detective Senior Constable Ayling's case comment, and explained:

I think it needs to be understood that there was a full investigation being done by the detectives who were actioning this case constantly. I was not being updated, I was not being kept in the loop. Yes, on the COPS system I was put down as the officer-in-charge. They were also on that same case, which is - I don't know why they've been put on it if they were not going to do any follow up or had no interest.

- 15.8 Detective Senior Constable Ayling gave evidence that he found it "*hard to believe*" that Senior Constable Pietens would have been unaware of submitting an iAsk to seek CCTV footage from a bus because "*it's one of our bread and butter things to do for all sorts of matters*".

- 15.9 **Conclusions:** It is evident that there was very little clear communication between Detective Senior Constable Ayling and Senior Constable Pietens regarding what investigative steps, particularly regarding submitting iAsk requests, were to be taken in the initial stages of the missing person investigation. Senior Constable Pietens was firmly of the view that she was not given any direction by Detective Senior Constable Ayling regarding any such steps. Senior Constable Pietens also considered that it would have been apparent from a reading of the investigative case notes that any purported direction, for example to complete an iAsk request, had not been actioned.

- 15.10 Whilst Senior Constable Pietens acknowledged that she could have communicated this to Detective Senior Constable Ayling and sought clarity about whether he was in fact giving directions regarding certain investigative steps, Senior Constable Pietens considered that an equal, if not greater, responsibility rested with Detective Senior Constable Ayling to make similar enquiries of her. Senior Constable Pietens maintained in her evidence that it was her understanding that "*the detectives were handling the case*".

- 15.11 This breakdown in communication appears to be attributable in part to the reallocation of the OIC role and misunderstanding as to what the involvement of the NBPAC detectives actually meant. Notwithstanding, Senior Constable Pietens' own evidence establishes that she could have sought clarity from Detective Senior Constable Ayling if there was any potential for misunderstanding about whether a communication constituted a comment only rather than a direction. A fair reading of Detective Senior Constable Ayling's case comment on 27 July 2020 indicates that the communication was more in the nature of a direction rather than a mere comment and should have been actioned by Senior Constable Pietens.

- 15.12 Counsel for Senior Constable Pietens submitted that her conduct ought to be considered in context. That is, in July 2020 Senior Constable Pietens was confronted with the burden of busy general policing duties which were complicated by the impact of the COVID-19 pandemic. It is acknowledged that one of the matters raised by Senior Constable Pietens in her evidence regarding completing a thorough CCTV canvass was lack of capacity. However, it is not possible to determine the degree to which this was a relevant factor given the overall tenor of Senior Constable Pietens' evidence that

the detectives were progressing the investigation and she had not been delegated any investigative tasks.

15.13 It has already been noted that the opinion expressed by Detective Sergeant Simpson indicates that the breakdown in communication adversely affected the efficacy of the missing person investigation in its initial stages. However, it is not possible to meaningfully assess the extent of any missed opportunity caused by this breakdown.

16. Risk assessment

16.1 On 22 July 2020, Detective Senior Constable Fisher sent an email to Sergeant Flakelar, copying in Detective Senior Sergeant Langthorne. The email advised that the missing person report in relation to Mr Kuo had been reviewed by the MPR and included “*some suggestions which may assist in locating the MP*”, relevantly:

- Conduct a CCTV canvass of the business around the leagues club to try and track the MP further than what has already been revealed.
- Consult with a LandSAR Co-ordinator through the Rescue Squad or RCO and provide them with all relevant information. They will assess the matter and if necessary engage any resources required to conduct a search for the MP. They have recently indicated to us here that they would like to be contacted more often and ASAP.

[...]

- Consider completing a new risk assessment - online tool now available through our intranet page. Considering the dementia and time missing, it may now be high risk.

16.2 Detective Senior Sergeant Langthorne gave evidence that upon reading the email he was in agreement that completing a new risk assessment for Mr Kuo was required. However, Detective Senior Sergeant Langthorne gave evidence that completing such an assessment “*right then and there wasn’t going to assist us with the urgent inquiries we had to do*”. Detective Senior Sergeant Langthorne went on to explain that he did not consider that completing a new risk assessment was a priority and that in his mind he was already treating the matter as high risk.

16.3 Detective Senior Sergeant Langthorne’s explanation is consistent with other evidence. Detective Chief Inspector Boutouridis explained that on 22 July 2020, he assessed the matter as effectively a high risk matter which warranted a level of assistance from detectives.

16.4 Section 11.2 of the 2020 Missing Person SOP differentiates between Limited, Medium and High Risk ratings for missing person. For high risk missing person, section 11.2 provides:

This category requires immediate notification to a Supervisor/Duty Officer/Sector Supervisor. Ensure appropriate crime scene/forensic response. If the missing person is lost, an immediate search and rescue response is required. Immediate consideration should be given to utilising all investigative tools to locate the missing person.

16.5 **Conclusions:** On 22 July 2020, Detective Senior Sergeant Langthorne recognised the need, in accordance with advice provided by the MPR, to complete a new risk assessment for Mr Kuo given that he suffered from dementia and had been missing for almost 48 hours. However, no risk assessment was performed as Detective Senior Sergeant Langthorne did not consider this to be a priority. This is because NBPAC was already treating the matter as a high risk matter and Detective Senior Sergeant Langthorne's evidence is that there were other more urgent tasks to attend to.

16.6 It does not appear that the failure to complete a new risk assessment had any material bearing on the investigation. The 2020 Missing Person SOP provided for specific steps to be taken in the case of a high risk missing person including notifying a supervisor, an appropriate forensic response, and an immediate search and rescue response. The available evidence indicates that there does not appear to have been any forensic response by 22 July 2020. However, a supervisor, namely Detective Chief Inspector Boutouridis, already was aware of the matter and regarded it as high risk, and Detective Senior Sergeant Langthorne had already contacted the RBDU regarding a potential search and rescue response.

17. Patrols where Mr Kuo was last seen

17.1 Whilst the 2020 Missing Person SOP provided guidance regarding land searches for missing persons, it did not explicitly provide for patrols to be conducted around the area where a missing person was last seen. Notwithstanding, Detective Sergeant Simpson expressed the view that “*two separate but analogous searches*” could have been conducted for Mr Kuo:

- (a) non-specialist search activities such as general patrols of areas to determine Mr Kuo's last known movements; and
- (b) a specialist search which requires additional equipment and training, and which is beyond the scope of general duties or detectives to conduct.

17.2 Detective Sergeant Simpson also expressed this view:

Notwithstanding my view that by the time Mr Kuo was deceased by the time he was reported missing (sic) an appropriate level of response would have been to have local units attend at the Manly Leagues Club and conduct a general search of the area. This would have included an examination of the area in and around the leagues club and also areas of significance such as Warringah Mall, located a short distance away. Even if not located, these patrols may have provided better situational awareness, particularly the location of CCTV and significant bodies of water in close proximity, to the investigation managers to assist in decision making around resource deployment for canvassing and specialist service (RBDU) requests.

17.3 Inspector Callum Patton, the current RBDU Operations Manager, gave evidence that he believed that patrols of areas surrounding the Club should have been “*undertaken by the local general duties [NSWPF officers]*” upon receiving notification that Mr Kuo was missing. Senior Sergeant Smith similarly gave evidence as to what the initial response from the RBDU would have been if a request had been made on 22 July 2020 for a search (based on the information available at the time) to be conducted:

If we were asked or to - you know, "We want some assistance with this search", we would have provided some further information in relation to some reflex tasking, "Okay, have you canvassed any of the cameras, buses", those sorts of things. Now, obviously, there's no train stations at Manly, but the ferries, those sorts of things. That would have been a starting point for the police, not our role, but the role of the investigating police to just start getting some information and then from there we would and could assist with a more detailed search.

- 17.4 Dr Whitehead explained that a reflex search is a thorough search around where a missing was last seen, normally 300 to 500 metres in radius, and historically, *"a reflex search has located 81% of missing people"*. Dr Whitehead expressed the view that search activities, including a reflex search, *"can and do occur parallel with missing person inquiries"*. However, Dr Whitehead also explained that, *"[u]nfortunately, a reflex search would not have been appropriate when Mr Kuo was reported missing as these are designed as an immediate search response soon after the lost person was noticed missing"*.
- 17.5 Notwithstanding, Inspector Patton acknowledged that there was no suggestion that any patrol of the immediate area around the Club or reflex search had been performed. However, Inspector Patton gave evidence that the learnings taken from Mr Kuo's case, and other cases, have contributed to changes in procedures within the RBDU since 2020.
- 17.6 The *Search & Rescue (Land Operations) Standard Operating Procedures* published in March 2025 (2025 RBDU SOP) provides that a checklist containing questions to identify whether a missing person is high risk and whether and Land Search & Rescue (LandSAR) Coordinator should be immediately notified, *"may be useful in obtaining further information and should be provided to the PAC/PD Duty Officer/Supervisor"*. Inspector Patton gave evidence that this checklist is now sent *"through to the local Inspector to make sure that these things are done as a matter of course"* and that *"nothing is missed"*.

17.7 **Conclusions:** The expert evidence establishes that there was nothing precluding a patrol or reflex search of the immediate area around the Club occurring concurrently with enquiries being made regarding Mr Kuo's likely movements after leaving the Club. However, it is acknowledged that the 2020 Missing Person SOP did not explicitly provide for such a patrol or reflex search to occur. More importantly, the expert evidence establishes that the effectiveness of such a search is limited to immediately after a person is reported missing. In Mr Kuo's case, the evidence indicates that performing such a search on 22 July 2020 would have been of little utility given the time that had passed since Mr Kuo had left the Club.

17.8 Since 2020, the RBDU has changed its practices and published new Standard Operating Procedures designed to ensure that reflex searches occur as soon as possible after a person has been reported missing, particularly where the person is at higher risk.

18. CCTV canvassing

- 18.1 Detective Senior Sergeant Langthorne gave evidence that on 22 July 2020, he canvassed several businesses around the Club seeking to identify whether there was any CCTV footage of Mr Kuo's

movements. However, no such footage was identified due to businesses being closed at the time of the canvass, businesses not having any CCTV cameras installed, and business that had installed CCTV cameras not capturing relevant portions of Federal Parade and/or Pittwater Road.

18.2 Detective Senior Sergeant Langthorne:

- (a) acknowledged that he did not make a record of the businesses that were canvassed “*as none were of assistance to the investigation*”;
- (b) explained that if he “*had identified information that would have helped the investigation at the time [he] would have written it down*”; and
- (c) indicated that whilst it would have been ideal for a canvass to be performed by a full team of NSWPF officers and for forms to be used to record information, this was not possible “*due to staffing limitations and COVID rules*”.

18.3 Some of the businesses canvassed by Detective Senior Sergeant Langthorne were later re-canvassed on 3 August 2020. This later canvass identified that there were CCTV cameras installed at some of the businesses but that footage from July 2020 had not been retained and was no longer available.

18.4 Further, Detective Senior Sergeant Langthorne indicated that he did not conduct a canvass beyond the intersection of Pittwater Road and Warringah Road because “*due to age and infirmity, it did not make sense to [him] that Mr Kuo would walk up such a steep hill*”. Detective Senior Sergeant Langthorne acknowledged that he had not reviewed any CCTV footage at the time which showed Mr Kuo’s walking ability and that his assessment was not based on any expert medical advice regarding the capability or behaviours of people with dementia.

18.5 Detective Senior Sergeant Langthorne gave evidence that, on reflection, he could have possibly carried out a more extensive canvass than the one actually performed. Detective Senior Sergeant Langthorne also gave evidence that he could have obtained statements or information from Mr Kuo’s relatives regarding his mobility, how far he could walk and at what speed. Detective Senior Sergeant Langthorne acknowledged that his flawed judgement restricted the scope of the enquiries that he made.

18.6 **Conclusions:** Although Detective Senior Sergeant Langthorne performed a canvass on 22 July 2020 of businesses in the immediate vicinity of the Club, no relevant CCTV footage was found to assist with identifying Mr Kuo’s movements. The evidence suggests that the canvass was not as thorough or extensive thorough as it could have been because it did not take into account Mr Kuo’s mobility and ability to walk long distances. Further, a subsequent canvass identified that potentially relevant CCTV footage that might have been available on 22 July 2020 had been overwritten or not retained. However, it is not possible to conclude that relevant CCTV footage was definitely missed due to an ineffective or suboptimal canvass.

18.7 The evidence indicates that one of the primary contributors to this suboptimal canvass was the lack of available personnel and resources due to staff limitations and COVID-19 pandemic restrictions on contact and movement. It is also again acknowledged that Detective Senior Sergeant Langthorne was not formally performing the role of Missing Persons Coordinator at the time.

19. RBDU engagement

19.1 Section 16.0 of the 2020 Missing Person SOP provided:

For Missing Person cases, consideration should immediately be given to conducting searches, in relevant circumstances. It is important to note that land searches do not only relate to bushland areas, they also include urban areas or large buildings/structures that require a coordinated response. The NSWPF has significant resources to assist with land searches that do not incur significant expenses to the requesting PAC/PD. These resources generally include:

- Rescue & Bomb Disposal Unit (LandSAR coordinators)

[...]

19.2 The 2020 Missing Person SOP also provided that it was the responsibility of the Duty Officer, Sector Supervisor, and Shift Supervisor to “*consider the need for a search and rescue operation and take appropriate action*”.

19.3 As noted above, Detective Senior Sergeant Langthorne did contact the RBDU on 22 July 2020 regarding the possibility of a coordinated land search. This issue is dealt with in further detail below.

19.4 **Conclusions:** The evidence establishes that on 22 July 2020, Detective Senior Sergeant Langthorne did give immediate consideration to the possibility of a coordinated land search being performed. However, even if such a search had been performed, the evidence suggests that its effectiveness would likely have been impacted by the timing of when Mr Kuo was reported as a missing person, the absence of an immediate patrol or reflex search of the areas around the Club, and only a limited CCTV canvass.

20. Non-identification of the proximity of bodies of water

20.1 Detective Senior Sergeant Langthorne gave evidence that when considering the distance that Mr Kuo might have travelled, he did not turn his mind to looking at a map and identifying particular areas of bushland or water. Detective Sergeant Simpson noted that there were several bodies of water within two to three kilometres of the Club and that all of these bodies of water were readily accessible within the period of Mr Kuo being last sighted and reported missing. Detective Sergeant Simpson gave evidence that the distance that Mr Kuo could have travelled is taken from an appendix to the 2020 *National Search & Rescue (NATSAR) Manual* which describes lost person behaviour for persons with Alzheimer’s/dementia.

20.2 Section 11.1.1 of the 2020 Missing Person SOP provided for several high risk ‘red flag’ questions that would indicate the need for an immediate high-level police response. One of the questions posed is:

Is the missing person in weather conditions or in [a] geographical area that would seriously increase risk to health and/or safety? (e.g. Missing in snow, dense bushland last seen in/near body of water etc)

20.3 Detective Sergeant Simpson gave evidence that the tenor of the language used in the 2020 Missing Person SOP tended to impliedly refer to a person lost in more remote or rural area rather than having a “*more broader view*”.

20.4 **Conclusions:** The 2020 Missing Person SOP directed attention to whether a high risk missing person such as Mr Kuo was last seen in a geographical area, such as being near a body of water, that increased the risk to his health or safety. The evidence indicates that there were several bodies of water within a three kilometre radius of the Club, including Dee Why Lagoon, but that Detective Senior Sergeant Langthorne did not specifically turn his mind to this geographic risk.

20.5 However, it appears that the relevant provision of the 2020 Missing Person SOP contemplated the geographic risk being present for a missing person in a remote or rural area. In Mr Kuo’s case, if any coordinated land search had been performed it would have been largely limited to urban areas. Therefore, it could not be said that the relevant provisions of the 2020 Missing Person SOP were not complied with in this regard or that inappropriate consideration was given to any geographic risk posed to Mr Kuo.

21. Compliance with the 2020 Missing Person SOP

21.1 The failure of Detective Senior Sergeant Langthorne to consider the Checklist has already been dealt with above.

21.2 On a similar basis, the evidence indicates that Senior Constable Pietens should have been aware of the Checklist from Detective Chief Inspector Boutouridis’ NBPAC-wide email. Further, when allocated as the OIC, Senior Constable Pietens should have consulted the Checklist.

21.3 Senior Constable Pietens gave evidence that she:

- (a) she could not recall whether she had reviewed the Checklist prior to 23 July 2020;
- (b) she did not turn her mind to the 2020 Missing Person SOP;
- (c) she instead “*turned [her] mind straight to the investigation at hand*”; and
- (d) she accepted that the Checklist was a resource that was relevant to the report of Mr Kuo being a missing person; and
- (e) the Checklist should have informed her response to Mr Kuo’s missing person report.

21.4 In his evidence, Detective Senior Sergeant Langthorne acknowledged that he did not create a record of his CCTV canvassing or his call to the RBDU on 22 July 2020. Detective Senior Sergeant Langthorne gave evidence as to his reflections on these matters:

I did not make enough notes on the day. I think I was trying to do too much and didn't take the time to make the notes that I should've. Like, I should've made more notes when I made - did that [canvass]. As I said, when that job was initially brought up in the crime review, the crime coordinator actually wanted to send it back to North Shore because technically, it was in their jurisdiction cause that's where the person came from. I didn't want another matter to sit in that limbo of being transferred back, further delaying. I just wanted to get the job started as quickly as possible, identify where the last direction Mr Kuo had gone so we could find him. That was my greatest concern.

21.5 Since 2020, several improvements have been made to the 2026 Missing Person SOP:

- (a) There is now a specific section dealing with missing person suffering from dementia which provides that such persons are to be “*immediately considered a high risk missing person [...] and a land search immediately considered*”. Further, CCTV/witness canvassing is to take place at the earliest opportunity to establish the missing person’s most recent location and direction of travel. Consideration is also to be given to mobile phone triangulation and geographic targeting of SMS messages and Facebook Local Alerts to quickly locate the missing person.
- (b) Missing persons with dementia are specifically identified as persons from a vulnerable group within the community who are at significant risk of harm and that a missing person report in relation to such person is to be “*responded to with urgency*”.
- (c) In terms of key timeframes for high risk missing person incidents, consideration should immediately be given to seeking assistance/guidance from an experienced investigator, a Missing Persons Coordinator, or the MPR.
- (d) For high risk missing persons, CCTV canvassing “*should commence immediately in the vicinity of the last known location of the missing person if there are no other immediate means of locating them available*”.
- (e) The officer who takes the first report of a high risk missing person is to submit request for information and iAsk requests within 24 hours of the first report.
- (f) It is the responsibility of the OIC Inspector or Sector Supervisor to commence an investigation log similar ensuring it contains detailed, accurate and transparent notes and records

21.6 **Conclusions:** The evidence establishes that both Detective Senior Sergeant Langthorne and Senior Constable Pietens were aware of the 2020 Missing Person SOP and Checklist but neither turned their mind to these documents in the context of Mr Kuo’s missing person investigation. As a result, no regard was given to the guidance provided by the Checklist. That said, it is not possible to determine whether this lack of regard materially affected the conduct of the investigation or resulted in any legitimate missed opportunity to advance it.

21.7 Rather than having regard to the Checklist, both NSWPF officers turned their mind to the immediate investigative steps they considered needed to be taken. It is acknowledged that these steps sought to progress those that had initially been taken on 21 July 2020. In addition, Detective Senior

Sergeant Langthorne's evidence was that his focus on progressing these steps contributed to the absence of any record-keeping about what steps he had actually taken. Whilst the intention was sound, the absence of documentation made it difficult to determine what investigate steps had been completed and which steps required further attention. This was a particularly relevant factor in relation to Detective Senior Sergeant Langthorne's contact with the RBDU which is discussed in more detail below.

21.8 Since 2020, specific and appropriate improvements have been made to the current version of the Missing Person SOP. These are designed to ensure that certain investigative steps are taken and escalation to more senior and specialist NSWPF officers occurs in cases involving high risk missing persons such as those suffering from dementia. In addition, immediate consideration is to be given to conducting a coordinated land search and steps taken in the investigation are to be thoroughly documented.

22. RBDU response

22.1 The *Rescue and Bomb Disposal Standard Operating Procedures 10: Search & Rescue (Land Operations)* issued in July 2018 (**2018 RBDU SOP**) provided that the following administrative actions are to be taken:

- Record ALL data relating to the search on the Duty Office and Land SAR Database.
- Record a message and any updated messages on Station Pad.
- Immediately inform the Shift Supervisor.
- A qualified Search & Rescue Coordinator MUST conduct an urgency assessment of the situation and record.
- A suitable response will then be undertaken in consultation with the Operations Coordinator.

Contact with the RBDU on 22 July 2020

22.2 Detective Senior Sergeant Langthorne gave evidence that he contacted the RBDU on 22 July 2020 because he was "*aware that land searches had [...] recently come into play and were a valid tool that we could use in missing persons cases*". Detective Senior Sergeant Langthorne gave evidence as to the purpose of his call:

What I was specifically doing, saying this is the job we have, [if] this meets the parameters, we will need a land search. If it doesn't meet the parameters, then I can move onto other inquiries.

22.3 Detective Senior Sergeant Langthorne gave evidence that during the call he told Senior Constable Wills about Mr Kuo's background and that his last known direction was heading east on Federal Parade to Pittwater Road. Detective Senior Sergeant Langthorne said that he then asked Senior Constable Wills whether this met "*the threshold for a land search to occur*". Detective Senior Sergeant Langthorne gave evidence that Senior Constable Wills provided an explanation that Mr Kuo's case did not reach the threshold for a land search.

22.4 In evidence, Detective Senior Sergeant Langthorne rejected the possibility that he called the RBDU just to report a missing person matter and maintained that his call was a request for a land search. He also rejected the description that the call was for notification purposes. Instead, Detective Senior Sergeant Langthorne gave this evidence:

Yeah, like, sorry, “Oh, we'd like a land search, is this something that reach your threshold” would have been the - how I would have said it.

22.5 Detective Senior Sergeant Langthorne agreed that the conversation with Senior Constable Wills was “*fairly quick*” and that there might have been room for a degree of misunderstanding about whether Mr Kuo had in fact caught a bus after leaving the Club.

22.6 Detective Senior Sergeant Langthorne gave evidence that he was unaware that Senior Constable Wills was not a LandSAR coordinator and that if he had known this at the time he would have asked to speak to a LandSAR coordinator.

22.7 Senior Constable Wills recorded the following entry in a General Station Pad regarding his conversation with Detective Senior Sergeant Langthorne (**Station Pad Note**):

22/07/2020 12:38PM FROM: D/Sgt LANGTHORN [sic] E/N: 52526 07/80	NOTIFICATION ONLY – MP KUO MP Hsiu KUO d.o.b: 14/09/37 suffers from dementia. It is a common occurrence for the MP to leave his premises and catch public transport. MP was last seen Manly Leagues Club 10:40pm on Monday the 20th July 2020. Reported missing to Police 11am Tuesday 21st July 2020. Job handed over to Northern Beaches LAC Wednesday 22nd July 2020. Northern Beaches Police supplying information as notification only. MP was last seen in an urban area and is believed to have caught a bus. RBDU informed there is no search area at this time. Local hospitals being contacted, public transport being contacted, CCTV of Manly Leagues and surrounds being viewed. Many release been complete. C WILLS S/Constable
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22.8 Senior Constable Wills was a trained rescue operative and bomb technician at the time. He gave evidence that he took handwritten notes of his conversation with Detective Senior Sergeant Langthorne on 22 July 2020 and then typed the Station Pad Note. Senior Constable Wills gave evidence that Detective Senior Sergeant Langthorne told him the following:

[W]ords to the effect of, it was something - words to the effect of, “Oh, hey, mate, this is, basically, notification only in relation to a missing person. We've just got this from North Shore PAC. It's a couple of days old. We've still got a lot of work to do”, words to that effect.

22.9 Senior Constable Wills gave evidence:

- (a) that he recalled the word “*notification*” and wrote it down immediately because it was not something that he would generally hear in relation to a phone call for a land search;
- (b) acknowledging it was possible that he had written down that Mr Kuo had caught a bus when he was only told that this was a possibility;
- (c) that rather than providing Detective Senior Sergeant Langthorne with advice about land searches, he was merely having a discussion, based on previous phone calls that he had dealt with, as to viable search areas which included CCTV canvassing;
- (d) that he could not recall Detective Senior Sergeant Langthorne making a request for a coordinated land search;
- (e) that if Detective Senior Sergeant Langthorne had enquired about whether the circumstances of Mr Kuo going missing met the threshold for a land search, he would have transferred the matter to a LandSAR coordinator to review; and
- (f) that he told both Senior Sergeant Smith and Inspector Patton about the contact with Detective Senior Sergeant Langthorne because “*any missing person report that would come through, regardless of what it says on the message pad, still goes to a land search coordinator, supervisor, rescue coordinator to review and triage*”.

22.10 It should be noted that on 24 July 2020, Sergeant Wayne Bolitho of the RBDU contacted Detective Senior Sergeant Langthorne. According to Sergeant Bolitho, he asked “*whether any potential search areas had been identified which may require the assistance of a [LandSAR] from the RBDU*”. Sergeant Bolitho’s account of the conversation is that he was told “*investigators had not identified a specific search area at that time and that they would contact the [RBDU] if search assistance was required*”. Detective Senior Sergeant Langthorne gave evidence that he could not recall this conversation but rejected the possibility that he had mixed up aspects of his conversation with Senior Constable Wills with a conversation with Sergeant Bolitho.

Search urgency assessment

22.11 The 2018 RBDU SOP provided that the initial response must be by a qualified Search and Rescue Coordinator and that one of the operational actions by such a Coordinator is to “*[a]ssess the situation and ensure a Search Urgency Assessment [SUA] form is completed*”. The 2018 RBDU SOP also provides that a qualified Search and Rescue Coordinator is to “*[a]dvise the Operations Coordinator if an Emergency or Measured response is required*”. This is consistent with the evidence from Senior Constable Wills that the 22 July 2020 contact from Detective Senior Sergeant Langthorne would have been referred to Senior Sergeant Smith and Inspector Patton.

22.12 The 2025 RBDU SOP explains that a SUA “*is a tool for determining the level of urgency that should be applied to a Land SAR response*” which uses 11 “*categories relating to the missing person and the environment to assess the objective urgency of a SAR response*”.

22.13 Senior Sergeant Smith gave evidence that it was not his responsibility on 22 July 2020 to complete a SUA. Rather, the responsibility rested with Inspector Patton or a LandSAR coordinator. Notwithstanding, Senior Sergeant Smith gave evidence that a SUA should have been completed “*at the time of receiving the information or at least very soon after*” and that it “*would have helped us and the investigators, obviously*”.

22.14 Inspector Patton gave evidence that there is no indication that a SUA was completed on 22 July 2020 and that he could not recall whether he turned his mind to this or not.

Land searches conducted

22.15 On 4 August 2020, Detective Senior Constable Fisher sent an email to Plain Clothes Senior Constable Meredith suggesting a CCTV canvass of the area surrounding the Club and noting that a LandSAR coordinator had apparently been consulted and declined to attend. Notwithstanding, Detective Senior Constable Fisher suggested that even without the assistance of a LandSAR coordinator, consideration should be given to conducting a search of the immediate and surrounding area where Mr Kuo was last seen with the assistance of the NSWPF Dog Squad and possibly a cadaver dog.

22.16 On 4 August 2020, Detective Chief Inspector Boutouridis met with Plain Clothes Senior Constable Meredith to discuss the status of the investigation with one of the priority tasks being to conduct a land search for Mr Kuo. After being made aware that there had been difficulty in commencing a land search utilising a LandSAR coordinator, Detective Chief Inspector Boutouridis contacted Detective Chief Inspector Glen Browne, the Manager of the MPR, for advice and to arrange a meeting with key staff to progress this strategy. On 6 August 2020, a meeting took place at Manly Police Station regarding a LandSAR coordinator-led search for Mr Kuo.

22.17 On 14 August 2020, Detective Chief Inspector Boutouridis sent an email to Superintendent Jodi Radmore, Operations Manager North West Metropolitan Region, to brief her regarding the status of the missing person case. In his email, Detective Chief Inspector Boutouridis noted that a search at Haberfield and Brookvale would be conducted by the RBDU on 13 August 2020. Detective Chief Inspector Boutouridis noted that this had been achieved by submission of a Blue Portal request from the OIC which he had approved and that “*[i]n hindsight, the Blue Portal [request for assistance] should have been submitted sooner and the reason for refusal recorded online*”. Detective Chief Inspector Boutouridis gave evidence that on reflection, the enquiry originally made by Detective Senior Sergeant Langthorne on 22 July 2020 “*should have been backed up with an online request via Blue Portal*”.

22.18 Senior Sergeant Smith gave evidence that in hindsight “*certainly something should have been done earlier on reflection [...] whether that was taking too much consideration into information provided from the investigators at the time*”. Here, Senior Sergeant Smith appeared to suggest that in considering whether a land search ought to be performed and in what location(s), too much consideration was perhaps given to the apparent belief that Mr Kuo had caught a bus rather than this being only a possibility.

22.19 Senior Sergeant Smith gave evidence that if he had considered the information recorded in the Station Pad Note, he would not have necessarily declined search activities being conducted by the RBDU. Senior Sergeant Smith also gave evidence that it would have been appropriate to give the matter further attention at the time but could not explain why this did not occur.

System improvements

22.20 The 2018 RBDU SOP was substantially rewritten resulting in the new 2025 RBDU SOP. Inspector Patton gave evidence that this was largely done to ensure that the communication and recordkeeping issues which the inquest examined do “*not occur in the future as an improvement*”.

22.21 Section 3.2 of the 2025 RBDU SOP provides that the “*Rescue & Bomb Disposal Unit may be alerted to the potential need for a Land SAR in a number of ways*” including, relevantly, a “[d]irect request from the PAC/PD in relation to a missing person”. Inspector Patton gave evidence that the reference to “*direct request*” includes both an immediate request for a search or a request for advice.

22.22 Section 3.2 goes on to provide:

RBDU may be alerted to a missing person incident early in the investigation when minimal information is available. It is imperative to consider the seriousness and reliability of all available information, to ensure appropriate decisions are made and actions taken. Whilst reliable intelligence is vital for conducting an effective Land SAR, unnecessary delays in responding appropriate SAR resources should not occur whilst further information is gathered and assessed. The Land SAR Operation can provide further intelligence and is an evolving operation from commencement to completion.

22.23 Inspector Patton gave evidence that this provision is intended to reflect that the RBDU becomes involved as soon as it is notified about a matter.

22.24 Sergeant Andrew Pieper, a RBDU LandSAR Coordinator and Shift Supervisor, gave evidence that an Operations Manager is rostered on every day at the RBDU and that any contact made with the RBDU that potentially involves a LandSAR Coordinator is escalated to the Operations Manager. Sergeant Pieper also gave evidence that currently any contact made with the RBDU is followed up by phone or with completion of forms and information logs. Sergeant Pieper gave evidence that it is his practice, and that of other RBDU officers, to also send a follow up email to document any contact made with the RBDU to avoid any confusion or breakdown in communication.

22.25 **Conclusions:** It is evident that Detective Senior Sergeant Langthorne and Senior Constable Wills have a different understanding and conflicting accounts of their phone call on 22 July 2020 regarding the possibility of a coordinated land search for Mr Kuo. The available evidence does not allow for this difference to be resolved one way or the other. What is clear is that neither participant sought to confirm with the other their understanding of the nature and purpose of the communication.

22.26 Regardless of whether the purpose of the phone call was to request that a coordinated land search be performed or to enquire whether the threshold for a coordinated land search had been met or to simply notify the RBDU of Mr Kuo’s missing person investigation, it is clear that no coordinated land search was performed at the time. Indeed, this did not occur until 13 August 2020.

22.27 The evidence establishes that regardless of the nature of the phone call, it was brought to the attention of a LandSAR Coordinator. The evidence also establishes that further attention should have been given by the RBDU to the call at the time, including completing a SUA and assessing what type of response from the RBDU, if any, was required. It is unclear from the available evidence why these steps were not taken although it is acknowledged that on 24 July 2020 it appears that there was some contact between Sergeant Bolitho and Detective Senior Sergeant Langthorne. However, the nature of this contact is not entirely clear and there is no evidence that it meaningfully advanced Detective Senior Sergeant Langthorne's contact with the RBDU two days earlier.

22.28 In summary, the evidence indicates that if appropriate attention had been given by the RBDU to the 22 July 2020 contact from Detective Senior Sergeant Langthorne, the possibility of performing a land search at that time, with the information at hand, would not necessarily have been foreclosed. However, it is not possible to definitively conclude whether any such land search at that time would have located Mr Kuo's whereabouts although the result of the searches that were eventually performed suggest that this would have been unlikely.

22.29 It is evident that since 2020, both NBPAC and the RBDU have reflected appropriately on the collective communication misunderstanding that occurred on 22 July 2020. The NBPAC has recognised the need to properly document any contact made with the RBDU and to submit requests electronically so that accurate records are kept. Similarly, appropriate changes have been made to the RBDU's Standard Operating Procedures to avoid doubt about when the RBDU becomes involved in a missing person investigation and precisely what constitutes a request to the RBDU for a coordinated land search to be performed. In addition, practices have been adopted for follow-up confirmation by the RBDU to avoid confusion or miscommunication.

23. Delay between the identification of search areas and searching of such areas

23.1 As noted above, although it was agreed on 7 August 2020 that a land search would be performed this did not in fact occur until 13 August 2020. Detective Chief Inspector Boutouridis gave evidence that this delay was attributable to the time required to marshal NSWPF resources and engage SES volunteers. Detective Chief Inspector Boutouridis had also noted during the meeting on 6 August 2020 that poor weather was expected over the weekend of 8 and 9 August 2020. This may also have contributed to the delay in commencing a land search.

23.2 Available records indicate that search areas were discussed at the 6 August 2020 meeting. A record kept by the MPR indicates the following:

The main priority of this meeting was for MPR to stress the importance of effective physical searching for the MP and ensuring that any searching is accurately recorded in case it is ever required later for a potential coronial brief. BOUTOURIDIS understood the importance of this and openly asked SMITH what was required to get their assistance in searches of the Haberfield location where the MP may have been last cited as well as the area surrounding the Manly Leagues Club. SMITH indicated that RBDU would be willing to assist but asked BOUTOURIDIS to start trying to organise SES or additional Police resources to assist.

23.3 Senior Sergeant Smith gave evidence that:

- (a) he could not recall “*making any comment or any decision*” as to the viability of the Haberfield and Brookvale search areas but that it “*would have been based on lots of factors*”;
- (b) he would have made notes at the time but no longer had access to them;
- (c) he had no specific recollection of turning his mind to matters such as lost person behaviour regarding the proposed search areas;
- (d) this would have been a matter for the LandSAR coordinator involved in the search and that his role was to oversee the operation.

23.4 Senior Sergeant Smith ultimately gave this evidence:

Ultimately, it's up to that trained coordinator to determine those search areas. They have access to the same information manual as I do. My role, if there was some conflict or some uncertainty or, you know, I don't know, an area that was not in agreeance, then I may well step in and go, well, okay, let's have a look at, let's review why we're, and go from there. But that decision-making process is up to the coordinators themselves.

23.5 Conclusions: In the absence of contemporaneous records and with the passage of time, it is not possible to discern precisely how specific areas for the land search were defined or whether factors such as lost person behaviour influenced this definition. There was a delay of some six days between a decision being made about performance of land searches and the searches actually being performed. The availability of NSWPF and volunteer resources, the time taken to marshal them and possible adverse weather conditions all contributed to this delay. It is not possible to conclude from the evidence available whether minimisation of this delay would have resulted in Mr Kuo being found any earlier.

24. Search areas

- 24.1 In a statement made in December 2022, Sergeant Pieper stated that on 13 August 2020 he and Leading Senior Constable Luke Bakey assisted NBPAC detectives in searching Haberfield and Brookvale. Sergeant Pieper stated that he defined a search area at each location with a 1.5 kilometre radius from Mr Kuo's last known position. Sergeant Pieper stated that this was drawn from statistical information contained in the 2020 NATSAR Manual which indicated that in 80% of cases involving persons with Alzheimer's or dementia where the person is “*elderly/non-walker*”, the missing person is found within 1.5 kilometres of their last known position. However, the 2020 NATSAR Manual actually describes a 2.5 kilometre, rather than a 1.5 kilometre, radius.
- 24.2 Sergeant Pieper gave evidence that when preparing his statement in December 2022 he did not have access to the original mapping and GPS data files that had been compiled by Leading Senior Constable Bakey. Instead, Sergeant Pieper referred to the 2022 version of the NATSAR Manual which referenced a 1.5 kilometre radius (and which is still reflected in the 2026 version of the NATSAR

Manual). Sergeant Pieper gave evidence that whilst this was an error in his statement, the actual search radius applied was 2.5 kilometres consistent with the 2020 NATSAR Manual.

- 24.3 Sergeant Pieper gave evidence that in applying the 2.5 radius from Mr Kuo's last known position at each location he and Leading Senior Constable Bakey *"did [their] usual sort of appreciation of the area that [the investigators were] talking about"*. Sergeant Pieper gave evidence that this meant he was in effect *"testing the areas that had been identified by investigators already"*.
- 24.4 Sergeant Pieper also gave evidence that he could not recall receiving information from Mr Kuo's family that, according to a statement made by his son, *"he could walk, and walk, and walk"*. Sergeant Pieper gave evidence that even if this information had been available to him, it would not have changed the initial search areas. This is because it was considered that Mr Kuo had travelled east *"following the path of least resistance"* which is why he had apparently not been captured by any CCTV cameras to the north and south.
- 24.5 Sergeant Pieper agreed that Dee Why Lagoon is located within a radius of both 2.5 and 3.2 kilometres from the Club, with the larger radius being where a *"younger/walker"* person with Alzheimer's/dementia is found in 80% of missing person cases. It was suggested to Sergeant Pieper that there was no reason why Dee Why Lagoon would not have been appropriately identified as a location which Mr Kuo could have reached. In response, Sergeant Pieper gave this evidence:

In the fullness of time, if all enquiries relating to Mr Kuo getting on a bus were depleted, if no other substantial sightings or anything to be investigated, you could search out to the full extent of the statistical search ring, which would also encompass numerous other green spaces to the west behind Warringah Mall and to the south surrounding the gol[f] club.

- 24.6 Dr Whitehead noted that Dee Why Lagoon and adjacent bushland are *"on a direct walking route"* from the Club. Dr Whitehead explained that Mr Kuo could have walked north or south but that *"northwards seems more likely with the lack of obstacles and lesser density of businesses and therefore less opportunity of CCTV"*. Dr Whitehead ultimately expressed this view:

I would suggest that the non-inclusion of Dee Why Lagoon and Manly Creek, both within the statistical travel range for a lost person with dementia, and both representing the lowest elevations within the statistical circles (apart from the beaches) were opportunities lost.

- 24.7 **Conclusions:** The location where Mr Kuo was eventually found was within the search radius for lost person behaviour with his personal characteristics. The evidence indicates that the search radius identified was consistent with the provisions of the 2020 NATSAR Manual. However, the functions of the LandSAR Coordinators in August 2020 were to test whether the search areas identified by investigators in the missing person investigation were appropriate. Notwithstanding, Sergeant Pieper's evidence indicates that if other lines of enquiry had been exhausted, it would have been possible to search to the full extent of the search radius, including the area of Dee Why Lagoon.

24.8 It is unclear from the available evidence why such a search to the limits of the relevant radius was not revisited after August 2020. Given the limit of the radius, it appears likely that such a search, if performed prior to January 2021, would have located Mr Kuo. It is acknowledged that Mr Kuo's timeframe for survival had well past by August 2020. However, given that the responsibility of the NSWPF as a search agency is not limited to locating a missing person alive but also to locate the remains of a missing person who has died, it is most regrettable that such a search to the limits of the defined search radius was not revisited.

25. Findings pursuant to section 81(1) of the Act

24.1 I gratefully acknowledge the significant contributions of Ms Sian McGee, Counsel Assisting, and her instructing solicitors, Ms Clara Potocki, Ms Anna O'Rourke and Ms Gulcan Shadiac of the Crown Solicitor's Office, to the coronial investigation and inquest process. Equally, I also acknowledge the contributions and assistance provided by the previous solicitors with carriage of the matter, Ms Kathleen Campbell and Ms Ashliegh Heritage. The entire Assisting Team has ensured that a thorough investigation has been conducted and provided tremendous assistance at each stage of the coronial proceedings. I am extremely grateful for their meticulous and sensitive approach that they have shown throughout the coronial process.

24.2 The findings I make under section 81(1) of the Act are:

24.3 Hsiu Kuo, who was reported as a missing person to the NSWPF on 20 July 2020, is now deceased.

Identity

The person who died was Hsiu Kuo

Date of death

Mr Kuo died on 20 or 21 July 2020.

Place of death

Mr Kuo died in the vicinity of Dee Why Lagoon, Dee Why, New South Wales 2099.

Cause of death

The cause of Mr Kuo's death was the consequences of exposure.

Manner of death

Mr Kuo died as a result of misadventure after leaving Manly Leagues Club on the evening of 20 July 2020 and walking to and entering the Dee Why Lagoon area, not realising the risk that this posed to his safety. Due to the environmental conditions and Mr Kuo's underlying medical conditions, including most significantly, dementia, he likely became disoriented and delirious, and unable to seek shelter or assistance, self-rescue or exit the lagoon area.

26. Epilogue

25.1 On behalf of the Coroners Court of New South Wales, I offer my sincere and respectful condolences, to Mr Kuo's family, loved ones, and friends for their most tragic loss.

25.2 I close this inquest.

Judge Derek Lee
Deputy State Coroner
4 September 2026
Coroner's Court of New South Wales