



**CORONER'S COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Steve Pampalian
Hearing dates:	2 March 2026 – 9 March 2026
Date of findings:	18 September 2026
Place of findings:	State Coroners Court, Lidcombe
Findings of:	Judge Kasey Pearce, Deputy State Coroner
Catchwords:	CORONIAL LAW - death as a result of police operation — shooting - mental health - appropriateness of police response
File number:	2023/00168279
Representation:	P Rooney, Counsel Assisting the Coroner, instructed by E Blomfield and E Leddy-Rebecchi of the Crown Solicitor's Office R Deppeler, instructed by K Abuali of John B Hajje & Associates, representing the Pampalian Family K Burke, instructed by S Robinson of the Office of the General Counsel, NSW Police Force, representing the Commissioner of Police B Haverfield instructed by M Treharne of McNally Jones Staff representing Constable E Trupiano and Constable J Bryan
Non publication order:	Several non-publication orders have been made pursuant to section 74(1)(b) of the <i>Coroners Act 2009</i> (NSW) Orders restricting access to the court file have been made pursuant to section 65 of the <i>Coroners Act 2009</i> (NSW). Copies of these orders are on the Registry file.

Findings:	Steve Pampalian died on 25 May 2023 at 6 Alexander Avenue, North Willoughby, NSW 2068 He died of gunshot wounds to the torso Steve was shot by a police officer acting in the lawful execution of his duty in the course of an incident where, while he was suffering a psychotic episode, Steve advanced rapidly on the officer brandishing two knives.
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1 Introduction

- 1.1 On Wednesday 25 May 2023 two police officers attended 6 Alexander Street, North Willoughby, after several calls had been received in relation to a man who was behaving in an abusive and aggressive manner in Alexander Street. There is no issue that the man was Steve Pampalian (**Steve**). After a brief interaction between Steve and one of the police officers, in which Steve approached the officer brandishing two knives, the officer shot Steve three times. Steve died at the scene. He was forty-one years old.
- 1.2 Steve died in the driveway of the home in which he had lived with his parents for most of his life. He was known as a quiet and gentle man who loved animals, especially birds, and doted on his two nieces. Although Steve had a history of depression and anxiety, he had no history of violence. To those who knew Steve, his reported behaviour on 25 May was unexpected, inexplicable, and totally out of character.
- 1.3 Steve enjoyed the love and support of a close family. It was inconceivable to them that he died in the way he did. It was clear that Steve's death and the circumstances in which he died were felt acutely by his family, who were represented at the inquest by his brother, Eddie Pampalian. The inquest was made more difficult for Steve's family by the fact that by the time of the inquest, Steve's mother, Maria, was seriously ill. She died within days of the close of the evidence.
- 1.4 On behalf of the Coroners Court of NSW, I acknowledge the tragic circumstances of Steve's death and extend my deepest sympathies to Steve's friends and family for their loss.

2 Why was an inquest held?

- 2.1 Under the *Coroners Act 2009* (**the Act**) a coroner is responsible for investigating all reportable deaths. This investigation is conducted primarily so that a coroner can answer questions that are required to be answered by section 81 of the Act, namely, the identity of the person who died, when and where they died, and the cause and manner of that person's death. A secondary function of a coroner is to make recommendations, if appropriate, that arise from the evidence, in relation to any matter connected with the death.
- 2.2 The combined effect of sections 23(c) and 27(1)(b) of the Act is that it is mandatory for a senior coroner to hold an inquest in circumstances where, as in this case, a person has died as a result of a police operation. This is because in such cases, it is important to examine

whether the significant power that the state places in the hands of police officers, is used in a way that is both lawful and appropriate.

2.3 An investigation into Steve's death was conducted by the NSW Police Force (**NSWPF**) and the coronial team assisting the inquest, and a significant volume of evidence was obtained. This evidence was tendered at the commencement of the inquest in the form of a 10-volume brief of evidence, which included electronic material. In addition to the brief of evidence, oral evidence was heard from a number of witnesses, and further documentary material was tendered during the inquest.

2.4 An issues list was developed to guide the coronial investigation and the conduct of the inquest. These issues were:

- i. *What was Steve's state of mind on 25 May 2023, and in the lead up to 25 May 2023, including any mental health issues or other conditions?*
- ii. *Was the response by the police to the calls made in relation to the conduct of Steve on the morning of 25 May 2023 appropriate in the circumstances? Why did police not attend until after five calls to 000?*
- iii. *Were the interactions between police and Steve conducted appropriately and in accordance with policies and procedures?*
- iv. *Was the use of force by police appropriate and lawful in the circumstances?*
- v. *Why were body worn cameras not utilised by the officers on 25 May 2023? What were the requirements to use body worn cameras?*
- vi. *Were resuscitation efforts adequate? In particular, why was CPR not commenced? Could the earlier commencement of CPR have saved Steve's life?*
- vii. *Even if NSW Police Force policies and procedures were followed, does a review of the circumstances of Steve's death indicate that other measures should have been taken?*

2.5 As is often the case, in the course of the inquest some issues assumed greater significance, while others receded in importance. While it has not been possible to address in these findings all the evidence adduced as part of the inquest, I have outlined what I consider to be the most important evidence under the headings below.

3 Steve's background

- 3.1 Steve was the son of Krikor (**Chris**) and Maria Pampalian. Chris and Maria married in 1975 and initially lived in Artarmon. Following the birth in 1977 of their first son, Eddie Pampalian, the family moved to High Street, Willoughby. Steve was born on 1 March 1982. A few years later, Chris and Maria bought a house at 6 Alexander Avenue, North Willoughby, where they moved with their two sons.
- 3.2 Steve attended primary school and part of secondary school at Galstaun College, an Armenian Christian College in Terrey Hills. Steve completed secondary school with Eddie at St Pius College in Chatswood.
- 3.3 Following high school, Steve completed further studies at TAFE North Sydney including a course in property management, and he initially worked in real estate. However, in around 2007 or 2008, Steve decided he no longer wished to work in property management and left his job. For about a year, Steve worked with Eddie and Eddie's wife, Anita, in two cafés they owned in North Sydney.
- 3.4 Around 2009, Steve enrolled in a hairdressing course at TAFE, and in 2012 he commenced work at Joseph's Men's Hairdressing in Hornsby, where he worked full time until his death.
- 3.5 Steve was unmarried and did not have children. He lived with his parents at 6 Alexander Street until his death.

Medical History

- 3.6 There is limited material available in relation to Steve's medical history, although the key information is outlined below.
- 3.7 Steve attended Royal North Shore Hospital in June 2002 for palpitations, however there was no cardiac cause identified at that time.
- 3.8 Between 2003 and 2005 Steve attended Chatswood Medical and Dental Centre intermittently for various medical complaints and was diagnosed with asthma.
- 3.9 On 4 August 2007, Steve, then aged 25, was admitted to hospital with chest pains, breathing difficulties and anxiety. It was identified that Steve was in atrial fibrillation, where the heart beats in a fast, irregular way. Steve came under the care of cardiologist, Dr David Whalley, who felt that Steve was experiencing *significant problems with anxiety*. Dr Whalley did not

believe that Steve needed ongoing anti-arrhythmic medication at that time based on the single episode of atrial fibrillation.

- 3.10 A short time after this admission, on 18 August 2007, Steve attended Chatswood Medical and Dental Centre for a consultation with his General Practitioner (**GP**), Dr Garo Artinian. Steve disclosed to Dr Artinian that he had been experiencing anxiety and panic attacks and requested a mental health care plan.
- 3.11 Dr Artinian referred Steve to a psychologist, Dr Kiran Sidhu. Steve attended his first appointment with Dr Sidhu on 18 August 2007. Steve saw Dr Sidhu on 79 occasions between 2007 and 2014, with his last consultation on 14 March 2014.
- 3.12 According to Dr Artinian, by 2014, Steve continued to experience symptoms of anxiety, and he was commenced on an anti-depressant, Cymbalta 60 mg, daily, which he took from this time onwards.
- 3.13 Steve was subsequently diagnosed with paroxysmal atrial fibrillation, a type of arrhythmia where the heart beats in a fast and irregular way and episodes start and stop suddenly, lasting seconds, minutes, hours, or up to a week, although resolving without treatment. Steve remained under the management of cardiologist, Dr Whalley, and saw him periodically.
- 3.14 Around 2017, Steve also became a patient at Hornsby Fountain Medical Centre, after attending the practice in May 2017 for an episode of apparent gastroenteritis. This medical centre was located near Steve's workplace.
- 3.15 In March 2023, Steve attended a consultation at Hornsby Fountain Medical Centre with Dr Sohael Rahman for a repeat of his script for Cymbalta in circumstances where, he advised Dr Rahman, his regular GP was unavailable.
- 3.16 On 28 April 2023 Steve again attended Hornsby Fountain Medical Centre and saw Dr Ranil Perera for a mental health care plan. He described to Dr Perera, amongst other things, that he had been diagnosed with long-standing anxiety and depression since he was a teenager. Steve advised Dr Perera that he had been taking Cymbalta for more than 8 years, and that although in the past this had been effective, it no longer provided adequate relief from his symptoms. Steve also informed Dr Perera that he believed that his past experiences of trauma may have contributed to his ongoing psychiatric symptoms, although he was reluctant to discuss this further.

- 3.17 According to the notes from this consultation, Dr Perera appears to have decreased Steve's dose of Cymbalta from 60 mg/day to 30 mg every 2 weeks with a view to changing Steve over to a different drug, although Steve advised that he already had a week's supply of Cymbalta 60 mg and wanted to discuss changing medication with his regular GP before making any changes. Dr Perera also referred Steve to Dr Sajeeva Jayalath, a psychiatrist from Best Brains and Minds Specialist Clinic. In the letter of referral to Dr Jayalath, Dr Perera indicated that Steve wished to have a full psychiatric assessment *including the possibility of undiagnosed [sic] ADHD/ADD*.
- 3.18 Just 2 days later, on 30 April 2023, Steve attended a consultation with Dr Pyone Wint Nyunt, a doctor who had only commenced at Chatswood Medical and Dental Centre on 24 April 2024. He again requested a mental health care plan. Steve disclosed that he had been feeling anxious with intermittent low mood for more than six weeks and that he had reduced his Cymbalta medication from 60 mg daily to 30 mg daily for a few months *without consulting a doctor*, however, he had increased it back to 60 mg daily as he had felt anxious.
- 3.19 Dr Nyunt completed a mental health care plan and referred Steve to a psychologist. He advised Steve to continue to take Cymbalta at 60 mg daily and discussed safety nets, providing him with several telephone numbers for services to call if his mood worsened, if he felt very low or had thoughts of self-harm or harming others.
- 3.20 On 14 May 2023, Steve attended Dr Brian Cho at Chatswood Medical and Dental Centre. This was the last consultation prior to his death, and he requested a repeat script of his Cymbalta 60 mg. Steve advised Dr Cho that he had skipped two tablets in the previous week although he denied experiencing any symptoms of withdrawal because of this. Dr Cho provided a statement as part of the coronial investigation in which he stated that during this consultation, Steve was *alert, polite and ... acted in and spoke in an appropriate manner ... [and] ... there was nothing remarkable about the consultation*.

4 Events leading up to 25 May 2023

- 4.1 On Monday 22 May 2023, Steve attended work at Joseph's Men's Hairdressing. According to his boss, Dominic Italiano, Steve appeared normal and did not appear sick in any way.
- 4.2 Steve did not work on Tuesdays. At about 7:26 am on the morning of Tuesday 23 May 2023, Steve sent Mr Italiano a text message. It read:

Hi dom I need tomorrow off still feel quite bad can you do that.

4.3 At about 9:49 am Steve sent a further text message

Dom i got back from the doctor and he said i need a week off im really feeling bad and my chest has an infection. i cant come i really feel bad. sorry. ill call you next wednesday because im going to need time to recover and its making me feel worse when i am working. speak time when you have time. Thanks.

4.4 Mr Italiano called Steve. His evidence was that after the conversation with Steve he formed the impression that Steve wasn't dealing with a physical sickness but something else. After the phone call, at about 10:18 am, Steve sent a further message:

Dom ill come thursday ill speak then ok itll be fine im just a bit of a woos.

4.5 Then at 12:07 pm Mr Italiano received another message from Steve:

Hi dom i can't come ill need a week off sorry im too unwell sorry.

Mr Italiano responded:

It's ok, don't panic. Ive got you covered so far till Monday. I still need to juggle some things so I'll let u know about next week when I find out.

At about 2:28 pm, Steve responded: *OK man thanks*, with a thumbs up emoji.

4.6 Mr Italiano thought that this exchange was very out of character and unusual for Steve.

4.7 On the evening of Tuesday 23 May 2023, Steve told his mother that he had asked for a week off work as he felt as if he was getting the flu. Maria Pampalian noted that Steve was up later than usual that night and said that he was unable to sleep.

4.8 On 24 May Steve had a 17-minute telephone call with his brother Eddie during which he told Eddie he had had a week off work. Eddie was about to fly to Melbourne, but Steve asked him several times if he could come to the house for a coffee which Eddie considered odd.

5 Events of Thursday 25 May 2023

5.1 At 4:59 am on 25 May 2023 a triple zero call was made from Steve's mobile phone. The call lasted for 8 seconds, no one spoke, and the call was not transferred to any emergency service.

5.2 Steve's mother, Maria, spoke to Steve between 10:15 and 10:30 am on the morning of 25 May 2023. He told her that he had a headache and felt unwell due to having the flu.

- 5.3 At 10:30 am, Steve's parents left the family home. At the time they left they observed Steve to be using the computer. They described him as *normal*.

Observations of Steve in Alexander Avenue

- 5.4 Shortly after this, brothers Fergus and Alexander Coyle, who lived at 4 Alexander Avenue, saw Steve standing in the front yard of 6 Alexander Avenue. Steve said *Hello* in a high-pitched voice. Fergus Coyle said that Steve looked up towards the sky and *raised one of his hands up toward the sky and started doing a wavy motion with it, like a snake slithering in a serpentine motion*.
- 5.5 Around 11:00 am, mother and daughter, Susan and Sophie Wright, were walking along Alexander Avenue when Steve crossed Alexander Avenue towards them and started following them. According to Susan Wright, Steve yelled at the women words to the effect of *Dirty Jew. Fat butts. The two of you are responsible for the demise of the world, Dirty Whores, Dirty Bitches*. The two women continued walking.
- 5.6 When the two women were outside or around 24 Alexander Avenue, Steve began *sprinting* towards them. Susan and Sophie ran along Alexander Avenue towards High Street.
- 5.7 At about 11:10 am Steve caught up to Susan Wright and stood face to face with her outside 31 Alexander Avenue. He accused her of trafficking her son and then forced her against a car. Susan told Steve that he was scaring her and Steve replied *Good, you should be scared, you should be really scared*.
- 5.8 Sophie Wright obtained assistance from Ruben Rosales, a Harris Farm employee, who approached Susan and Steve outside 31 Alexander Avenue and intervened. Ben Carstein, who lived at 25 Alexander Avenue, and another Harris Farm employee, Gregory Stephenson, also approached Steve outside 31 Alexander Avenue. Steve left and then ran along Alexander Avenue towards Willoughby Park.
- 5.9 At about 11:12am, Melissa Carstein, Ben Carstein's wife, contacted triple zero and reported a man *...verbally abusing a woman standing next to her car, he's really screaming at her*. She advised triple zero that *the lady is just getting into her car now, she's about to drive off*. Later, she advised the operator that *he's screaming in the street, he's going bananas*. In response to a question about whether he had any weapons, Melissa Carstein answered *I don't think so*.

- 5.10 At around 11:13 am, Steve crossed the street and stood in front of 13 Alexander Avenue. Anthony Toohey, who lived at 13 Alexander Avenue, heard Steve yell *Come outside, come on, come on, I am gonna fucken kill you, you cunt. I'm gonna murder you.*
- 5.11 At about 11:17 am NSWPF Computer Aided Despatch (**CAD**) 485760-25052023 was created from Melissa Carstein's 11:12 am triple zero call. The despatcher broadcast the information from CAD 485760-25052023 as priority 3 (non-urgent response) for North Shore PAC (Police Area Command). The despatcher stated *Standing by for a North Shore car. Concern for welfare ...Male is verbally abusing a female, not known if they know each other. Female has decamped in vehicle, [description of male provided], -last seen... screaming in the street. No persons injured. No weapons sighted.*
- 5.12 Ben Carstein, who had followed Steve in his car from outside 31 Alexander Avenue, described observing Steve at this point *looking upwards towards the sky,...rocking back and forwards and...mumbling and talking to himself.*
- 5.13 At about 11:18 am the Harris Farm employee who had assisted Susan Wright, Ruben Rosales, contacted triple zero. In this call Mr Rosales explained that Steve *looks like he's got mental issues and did sound, sound and seem a little bit aggressive, but he didn't do anything, like, uh, he looked like he wanted to do something, but I don't know, he didn't do anything to me, at least.* As a result of this call, CAD 485779-25052023 was created.
- 5.14 At about 11:19 am, Anthony Toohey (13 Alexander Avenue) contacted Chatswood Police Station. Mr Toohey reported that Steve remained at the front of 13 Alexander Avenue, and that he continued yelling and was bare chested showing two chains or necklaces.
- 5.15 At around 11:20 am Leslie Kennedy (11 Alexander Avenue) rang Chatswood Police Station, updating them on Steve's movements and behaviour.
- 5.16 At 11:22 am Melissa Carstein contacted triple zero for a second time and reported that Steve was *screaming in the street, just screaming*, that he was *mentally deranged*, that she was still waiting for police, and that the man was *walking into someone's property*. In answer to a question about weapons, she said she could not see any weapons. Ms Carstein stated that the operator should *...send someone soon, 'cause he's gunna hurt someone and he's like...he's super dangerous, you need to get someone here.* CAD 485800-25052023 was created as a result of this call. The incident was assessed as *priority 3* (non-urgent).

- 5.17 At about 11:24 am, Constable Dylan Ford, who was performing station duties at Chatswood Police Station, created CAD 485789-25052023-based on the information provided in the call from Anthony Toohey. Soon after, Constable Ford upgraded the incident to *priority 2* (immediate response). Soon after, he updated the CAD with *threats not directed towards anyone and mental health related*.
- 5.18 At 11.25 am Anthony Toohey called Chatswood Police Station again and reported that Steve had walked to the front door of his (Mr Toohey's) home at 13 Alexander Avenue and started *smashing at [Mr Toohey's] front door* and that he was yelling.
- 5.19 At 11:26 am Constable Ford added a further update to the CAD noting *Further calls stating the male is becoming more erratic and aggressive*.
- 5.20 At 11:27 am Leslie Kennedy rang Chatswood Police station for the second time and provided updating information. Constable Ford, using call sign Chatswood 81, attempted to call police radio (VKG). The call was not acknowledged as the radio was busy with other calls.
- 5.21 At around 11:27 am, Ben Carstein rang triple zero. CAD 485833-25052023 was created as a result of this call. He told the operator: *...there's a man running around screaming, attacking people...my wife's already called and no one's come. He's screaming, he's threatening people and chasing 'em in the street, it's a serious situation. Someone needs to get here ASAP*. He added, in relation to Steve's actions at 13 Alexander Avenue *he's trying to kick the door down, he's trying to break their door down, and he's smashing their windows now*. In response to a question from the radio operator as to whether Steve had any weapons, Mr Carstein indicated he had not seen any weapons.
- 5.22 At 11:28 am, Anthony Toohey called Chatswood Police Station for the third time and indicated that Steve was being far more aggressive and was *trying to smash my front door in*.
- 5.23 Shortly afterwards, Leslie Kennedy called Chatwood Police Station for the third time. At 11:29:06 am Constable Ford contacted VKG using the word *urgent* to gain priority use of the radio. He said to VKG *...there's an outstanding job on Alexander Avenue regarding an erratic male. ... further calls stated he's threatened to kill someone at number 13. He's now trying to bash down a door there, so can we get that job upgraded?*
- 5.24 Ben Carstein was still on the phone to VKG when he saw Steve dart across the road from number 13 and into 6 Alexander Avenue. Mr Carstein was concerned as he knew that an

elderly couple lived at 6 Alexander Avenue. He described to the triple zero operator hearing *things inside the house getting smashed and screaming from out the back of the house*. In his oral evidence Mr Carstein described that *the house sounded like it was getting smashed up from the inside*.

- 5.25 At 11:29:28 am VKG relayed the information provided by Constable Ford to all North Shore cars to attend. At 11:29:58 am North Shore 17 (**NS17**), a general duties vehicle consisting of Constable Jason Bryan and Constable Elizabeth Trupiano, acknowledged the job and advised they were proceeding to the job *red* (lights and sirens) *in five*.
- 5.26 At 11:30:13 am Constable Ford updated the CAD with *male last seen outside number 13*.
- 5.27 At 11:30:23 am NS35 carrying Constable Michael Mitcherson, Probationary Constable Paige Hillier and Probationary Constable Maui Nicolas also advised they would proceed *red in five*.
- 5.28 At 11:30:48 am NS37, a general duties vehicle consisting of Constable Robert Sankey, Constable Lani Clyne and Probationary Constable Jay Moltzen, responded *red in ten*.
- 5.29 At or around 11:29 am, Melissa Carstein rang triple zero for the third time stating that there is a *really dangerous man out in the street... abusing people. He was just kicking someone's front door... he's gunna hurt...someone*. She describes him as *absolutely deranged, very aggressive, very, very aggressive*. When asked, she said she hadn't seen a weapon and had never seen Steve before. The call lasted for 3 minutes. By the end of the call, she could see a police car arriving.
- 5.30 At 11:32:21am, VKG broadcast that the male was running from the location (13 Alexander Avenue) and provided a description of him. At 11:33:19 am, VKG updated this information further, broadcasting, *And also for these North Shore cars making their way to North Willoughby. We're getting multiple other priorities in now. POI's now outside number 6, can hear him screaming. He did previously smash windows at number 18*.

6 What happened after police arrived at 6 Alexander Avenue?

- 6.1 After his final call to triple zero, Ben Carstein parked his car near the driveway of 3 Alexander Avenue. He approached some landscapers (Rhys Dagger and Timothy Summers) outside 10 or 12 Alexander Avenue and asked whether they would come with him to investigate what was occurring inside number 6. They had just begun to walk towards 6 Alexander Avenue when police arrived.

- 6.2 NS17 was the first car on scene. Constable Trupiano was driving and Constable Bryan was the passenger. Constable Trupiano recalled that as she was pulling across the driveway of 6 Alexander Avenue some *builders* waved at her with urgency. She said to Constable Bryan that he should jump out and speak to them while she parked the vehicle a few metres away so that it didn't obstruct the street.
- 6.3 At this point, Ben Carstein was positioned around the footpath at the top of the driveway of 6 Alexander Avenue, along with Rhys Dagger and Timothy Summers. David Kennedy and Anthony Toohey were standing across the road. At about the same time as the police arrived, Rhys Daggar saw what he thought was a fly screen get pushed out from inside 6 Alexander Avenue. Ben Carstein described hearing glass breaking towards the side of the house and seeing a wooden window frame going flying out alongside the smashed glass. Photographs taken later show a single timber windowpane containing smashed glass and a flyscreen on the concrete driveway to the rear of the house past the end of the carport.
- 6.4 Rhys Dagger saw a bare foot come out of the window that had been pushed out and pointed this out to the police. Constable Bryan stated that as he looked down the side of the house, he could see *one foot kind of sticking out of the window...a bare foot* above the height of the car that was parked in the carport.
- 6.5 Constable Bryan walked between the car that was parked nose-first in the carport and a boundary wall to the right-hand side of the carport. According to both Anthony Toohey and David Kennedy, Constable Bryan was calling out *Police, Police* as he walked down the driveway towards the rear of the property. During his oral evidence, Constable Bryan was asked whether he had identified himself as a police officer verbally, to which he replied, *No*.
- 6.6 By the time Constable Trupiano arrived at the entrance to the driveway of 6 Alexander Avenue, she was unable to see Constable Bryan. She asked the men at the entrance to the driveway if they had seen him. Her evidence was that they pointed in the direction of the driveway. She recalled one of the men saying that Constable Bryan shouldn't be there alone, as a result of which she quickly made her way up the driveway.
- 6.7 According to Constable Bryan, as he walked past the car in the carport, he saw that the frame and the window had been removed from the house and was lying on the driveway. He said that he looked through the void created by the missing window into a back room of the house, where he saw Steve. His evidence was that he called out something like *Hey mate* to get Steve's attention, but that Steve didn't respond and instead made his way

towards the rear of the property. Constable Bryan describes having gone past the front of the car that was parked in the driveway towards the rear of the house. Timothy Summers describes Constable Bryan at this point as *looking around the house to the backyard*.

- 6.8 According to Constable Bryan, he was about 3 metres from the rear corner of the house when he again saw Steve. It appears that it is at this point (11:33:38-11:33:50 am) that Constable Bryan broadcast *I'm inside number 6, the POI's [Person of Interest] here just in the backyard with me. What are you doing, mate?*
- 6.9 VKG replied *Copy, for all these cars then going off North Willoughby, North Shore 17 is at number 6, POI's in the backyard*. VKG marked NS17 on scene at 11:33:58 am.
- 6.10 Constable Bryan's evidence was that at this point Steve reappeared *with two knives above his head, running at me*. In his directed interview he described *...two...large blades in his hands...one in each hand...probably about twenty to thirty centimetres long blades...*This account is supported by evidence from Timothy Summers who states that as Constable Bryan approached the back of the house near the balcony, Steve started running towards him *faster than earlier* [after Steve had left number 13 and run towards number 6], *but still not at a sprint*. He described Steve as having kitchen knives in each hand and that *[h]e was holding them up at about head height* as he ran towards Constable Bryan.
- 6.11 David Kennedy gave a similar account. He said Steve was *sprinting towards the officer*, with both arms out in front of him, with *a large knife in his right hand* and what David Kennedy thought was *a chrome bar about 50cm in length in his left hand*. He described Steve *holding them up and pointing them towards the officer like what you see in a bullfight*.
- 6.12 In his oral evidence, Ben Carstein described seeing Steve holding a large carving knife in his right hand: *It was a downward stabbing motion, above his head in a downward stabbing motion as he ran*. He did not recall a second knife.
- 6.13 Anita Thornhill, who was standing across the road from 6 Alexander Avenue, described Steve as *moving quickly towards the police...between the parked car and the fence*. She adds that *[h]e was waving both of his arms above his head*.
- 6.14 According to Constable Bryan, he, that is, Constable Bryan, started *backpedalling to try and create distance cause he [Steve] was...pretty close...probably about three metres once he'd come around that corner*. Constable Bryan was walking backwards down the right-hand side of the carport between the car and the wall. He drew his firearm and pointed it at Steve.

- 6.15 According to Constable Trupiano, she recalled that Constable Bryan was *retreating very quickly with a male with two large kitchen knives above his shoulders charging at [him]*. At this point she was about 5 metres behind Constable Bryan. In her statement, she recalled that Constable Bryan had his gun drawn and Steve was initially about 5 to 10 metres away from him. When Constable Trupiano saw the knives, she also drew her firearm.
- 6.16 According to Constable Bryan, he said *Stop* or *Drop it* a couple of times. David Kennedy's evidence was that Steve came within 4 metres of Constable Bryan and that Constable Bryan was yelling *back off, back off* but that Steve kept coming *at full speed*. According to Constable Bryan, Steve *[j]ust kept running at me with the...knives above his head*. Constable Trupiano's evidence was that Steve closed the distance between him and Constable Bryan very quickly. Ben Carstein gives a similar account of Steve *running very quickly around their side of the car, while he was running at the officer, the officer was walking backwards, telling him to stop, with his gun raised*.
- 6.17 Constable Bryan continued to retreat backwards. His evidence was that as he got towards the rear of the car or just past the rear of the car, and Steve continued to run along the side of the car towards him, he fired two or three shots, which struck Steve. His evidence was that he was aiming for the central region of Steve's body. His evidence was that Steve *kind of dropped to his knee, he slumped down a bit* at the rear right-hand side of the car, before getting back up again. According to Constable Bryan, Steve was still holding the knives. At this point Constable Bryan was 3-5 metres from Steve.
- 6.18 This version is supported by Constable Trupiano who recalled in her directed interview that Constable Bryan let off one round, which, she said, had no effect on Steve, although *there was a little bit of a pause*. She said that he was *just still running at Jason with the knives*. Constable Bryan then let off two more rounds after which Steve fell to his knees. This occurred, she said, about halfway along the carport. Her evidence was that Steve then quickly got back up and continued *charging* at Constable Bryan while still holding the knives.
- 6.19 The evidence from Timothy Summers was that when Constable Bryan was in the carport, and Steve was about 2 metres away from him, Constable Bryan shot Steve twice. His evidence was Steve didn't stop, although *it looked like it slowed him down for a step or two, but then he kept moving towards the male officer again at a fast pace*.
- 6.20 According to Constable Bryan, he again said *Stop, drop them*, but Steve continued to run towards him. Steve had covered a further metre and was just past the rear of the car when

Constable Bryan fired a further round. At this stage Constable Bryan described being about 3 metres away from Steve. Rhys Daggar gave a similar account: *[t]he guy ran past the Mercedes and was getting close to both police. The male officer then fired his gun once more...I think the guy had gotten to about 2 meters from the male officer.*

6.21 Steve fell onto his front. The knives, one described as a *large kitchen knife*, and the other described as a large break knife, fell from Steve's grasp. According to constable Bryan, he started to take a few steps towards Steve but from behind him Constable Trupiano said *Don't go near him*. Constable Bryan kicked the knives out of Steve's reach.

6.22 At 11:34:05 am, Constable Trupiano broadcast on VKG 17. *Shots fired. POI down.*

7 What happened after Steve was shot?

7.1 At 11:34:12 am NS35 (Constable Mitcherson, Probationary Constable Hillier and Probationary Constable Nicolas) arrived on scene.

7.2 At 11:35:01 am VKG asked Constable Bryan if Steve was conscious/breathing. He replied *it's hard to tell, radio, he's on his front now, shallow, shallow breathing*. Seventeen seconds later Constable Bryan reported *I believe unconscious and not breathing now*. Neither Constable Bryan nor Constable Trupiano attempted cardiopulmonary resuscitation (CPR) or first aid.

7.3 Constable Trupiano was not wearing a body worn video (BWV) camera. Constable Bryan activated his BWV at 11:35:38 am. It had not been activated prior to this.

7.4 Constable Mitcherson approached Steve. He observed that Steve looked pale, that his skin pigmentation had changed, that his eyes were glazed, his mouth was open, there was no rise and fall of his chest, no movement and no sounds. He stated that *from previous experience with deceased, I was aware of no signs of life*. Constable Mitcherson stated that signs of life were checked by multiple officers, including himself and that he had checked for an arterial pulse in Steve's neck. It is not clear at what time these checks occurred.

7.5 Constable Sankey arrived on the scene shortly after Constable Mitcherson. His evidence was that he lent over Steve's body, checked for a pulse in his neck and visually assessed his chest and back for evidence of breathing. From these observations he determined that Steve was deceased. From Constable Bryan's BWV, this appears to have occurred at about 11:39 am.

- 7.6 CPR was not commenced by any of the police officers.
- 7.7 The NSW Ambulance Electronic Medical Record indicates that a call was received at 11:34 am regarding an agitated and aggressive male. A second notification was received at 11:38 am which stated *male shot, not breathing*. Ambulance officers Wilding and Davenport were dispatched at 11:40 am. They proceeded to Alexander Avenue under lights and sirens. The crew arrived at Alexander Avenue at approximately 11:47 am and remained at the entrance to Alexander Avenue until cleared by police to approach number 6. They are recorded as arriving at the scene at 11:50 am
- 7.8 At 11:52:08am NS27 broadcast *North Shore 2-7, ambos just arrived*.
- 7.9 At 11:53am, Steve was pronounced life extinct by attending paramedics.

8 Investigations after Steve's death

Critical Incident

- 8.1 At 11:40 am, a Level 1 Critical Incident was declared by North West Metropolitan Region Commander Assistant Commissioner Leanne McCusker due to *death resulting from the discharge of a firearm by a police officer*.
- 8.2 Detective Acting Inspector (as he then was) Trent Power, who was performing the role of an Investigations Coordinator at the State Crime Command Homicide Squad was appointed as the Senior Critical Incident Investigator (**SCII**). He formed a Critical Incident Investigation Team (**CIIT**) under Strike Force Clermiston, consisting of staff from the Homicide Squad and North West Metropolitan Region. He excluded staff from the North Sydney Police Area Command to ensure there were no conflicts with the involved and witness officers.

Autopsy Report

- 8.3 On 29 May 2023, forensic pathologist, Dr Rebecca Irvine, conducted a postmortem examination of Steve's body.
- 8.4 A computed tomography (**CT**) scan showed the presence of three projectiles and injuries generally consistent with these. One projectile entered the left anterior shoulder, with the missile recovered within the right side of the chest, having passed through the heart. Another entered the left mid chest, with the missile recovered from the right flank region, having passed through the small bowel, and injuring the pelvis of the right kidney. The third entered at the left posterior shoulder and passed through the soft tissue of the upper back, with the missile

recovered under the skin on the right posterior shoulder, near the scapula., consistent with gunshot wounds sustained to Steve's left anterior shoulder, left mid anterior chest and left posterior shoulder.

- 8.5 In a later statement, Dr Irvine opined that there was no basis by which the order of the gunshot wounds could be determined, as an *injured person may maintain activity that in retrospect is extraordinary for a short time (seconds) despite a fatal injury*, such that it *cannot be completely excluded that the fatal gunshot was not one of the first two shots*.
- 8.6 Postmortem toxicological analysis of samples taken from Steve detected flecainide (0.91mg/L) and verapamil (<0.05mg/L). Flecainide is an anti-arrhythmic medication which had been prescribed to Steve for treatment of his paroxysmal atrial fibrillation and was detected at a concentration *well below the range detected in fatal cases of ingestion*. Verapamil is a calcium channel blocker used in the treatment of high blood pressure and heart arrhythmias. This had also been prescribed to Steve for treatment of his paroxysmal atrial fibrillation and was detected in a non-toxic range. Alcohol was not detected.
- 8.7 Nasopharyngeal and throat swabs showed no evidence of SARS-CoV-2 (COVID), influenza A and B, respiratory syncytial virus, or other common respiratory viruses.
- 8.8 Dr Irvine concluded that the direct cause of Steve's death was *gunshot wounds of the torso*.

9 What was Steve's state of mind in the lead up to and on 25 May 2023?

- 9.1 According to Consultant Forensic and Adult Psychiatrist, Associate Professor Danny Sullivan, Steve had an established mental health background of anxiety and depression. Anxiety was most prominent and for many years had been treated with duloxetine in a moderate dose with no indication of adverse effects. Associate Professor Sullivan diagnosed Steve with *anxiety disorder not otherwise specified* as set out in the Diagnostic and Statistical Manual of Mental Disorders, Fifth edition, Text Revision (**DSM-5-TR**). Associate Professor Sullivan considered that the disorder was in substantial remission in the time leading up to Steve's death.
- 9.2 At the time of his death, however, Steve's behaviours reflected something very different. Associate Professor Sullivan considered that Steve had developed a psychotic illness. This had not been diagnosed, and Steve did not appear to have disclosed any features of his psychosis to others, other than mentioning that he had experienced a vision to his brother's children on one occasion some months before his death. The content of Steve's internet

and phone searches suggested that he was aware of a deterioration in his mental health, and through internet searches had sought clarification of whether various mental health conditions affected him. However, there was no evidence that he had disclosed these concerns to his treating clinicians, his family, or to anyone else.

- 9.3 Associate Professor Sullivan noted numerous examples of Steve’s behaviour on 25 May that were disordered, including shouting, unusual hand movements, looking at the sky, engaging in movements suggesting prayer or religious motivation, and aggressiveness. Postmortem toxicology testing provided no evidence of substance abuse, and furthermore, according to Associate Professor Sullivan, the cessation of duloxetine, if it had in fact occurred, had no bearing on Steve’s actions on the day of his death.
- 9.4 Steve’s behaviour on 25 May was consistent with an acute psychotic episode manifesting disorganised, disinhibited, aggressive behaviour and suggesting religious and persecutory ideation. In the opinion of Associate Professor Sullivan, on 25 May Steve could be diagnosed with an *unspecified schizophrenia spectrum and other psychotic disorder* as set out in the DSM-5-TR. Associate Professor Sullivan acknowledged that persons with vulnerabilities or risk factors are more at risk than others for an acute psychotic disorder to arise out of the blue. He maintained that outwardly to those who knew Steve, there would have been absolutely no sign of psychosis.

9.5 Conclusion

On 25 May 2023 Steve suffered from an unexpected acute psychotic disorder characterised by Associate Professor Sullivan as an *unspecified schizophrenia spectrum and other psychotic disorder* as set out in the DSM-5-TR.

10 Why did police not respond earlier to reports of Steve’s conduct on 25 May?

- 10.1 On 25 May 2023, from 11.12 am until 11.26 am, NS17 (Constable Bryan and Constable Trupiano) was at Chatswood Police Station dealing with a priority self-harm incident that had occurred earlier at Northbridge. They had then travelled to Neutral Bay to collect CCTV.
- 10.2 At 11.13.05 am, VKG broadcast a priority job (a concern for welfare of a 13-year-old child in St Leonards) to which vehicles NS12, NS14, NS39, and NS40 responded. Those vehicles were occupied with that incident for some time.

10.3 The first VKG broadcast in relation to Steve's behaviour in Alexander Avenue occurred at 11:18:42am. The despatcher broadcast the incident as a *priority 3* (non-urgent response) concern for welfare.

10.4 The VKG broadcast reflecting the upgrading of the Alexander Avenue job to *priority 2* (immediate response) and requesting that all North Shore cars attend, was made at 11:29:28-11:29:45 am. Constable Bryan was on scene and radioed *I'm inside number 6* less than 4 minutes after this broadcast was made. NS35 arrived at 6 Alexander Avenue at 11:34:12am, less than 5 minutes after the broadcast concluded.

10.5 Conclusion

The situation in Alexander Avenue was rapidly evolving. Given the Alexander Avenue job was initially determined to be a *priority 3* (non-urgent), and that police from North Shore PAC were involved in other incidents of higher priority at the relevant time, the initial delay in responding to the Alexander Avenue incident was not unreasonable. Once the Alexander Avenue job was upgraded to *priority 2* (immediate response) there was no appreciable delay in the police response.

11 Were the initial police interactions with Steve conducted appropriately and in accordance with NSWPF policies and procedures?

11.1 Prior to arriving on scene, both Constable Bryan and Constable Trupiano had limited information about the incident unfolding on Alexander Avenue. Constable Bryan noted the following in his directed interview:

I hadn't heard the original job come over...all I had was the upgrade...it was just the fact that the, I believe the original job was a male sort of arguing with a female and it had kind of been upgraded because...he was now trying to bash down doors and that sort of thing as well.

11.2 Constable Bryan stated that although further information was available on a mobile data terminal (**MDT**) in NS17, there was no opportunity for him to review that information while he and Constable Trupiano travelled to Alexander Avenue as this took only a few minutes and he was focussed on providing directions from his mobile phone to Constable Trupiano, who was driving the police vehicle. Constable Bryan recalled three *landscapers* on the street indicating to him and Constable Trupiano to stop and pointing to a house. Constable Bryan's

evidence was that he thought the incident involving the male on Alexander Avenue had escalated from someone screaming at people in the street to someone trying to break into a house or multiple houses.

11.3 Constable Trupiano's evidence was to the effect that she was responding to a VKG broadcast about a male acting aggressively, threatening people, and possibly damaging property.

11.4 Constable Trupiano acknowledged that she and Constable Bryan should probably have exited the vehicle together, approached the scene together, and spoken to the informants together. She explained her request to Constable Bryan that he exit the car first as follows:

Based on the behaviour of the builders and them appearing quite concerned, I just wanted to, I guess, show them that we were treating the situation seriously and we weren't just going to drive past them.

11.5 Senior Operational Safety Instructor Sergeant Paul Prettyman of the NSWPF Operational Safety Training and Governance provided expert evidence to the inquest in relation to compliance by Constable Bryan and Constable Trupiano with NSWPF policies and procedures in relation to the events on 25 May.

11.6 Sergeant Prettyman's evidence was that at the point where the two police officers arrived at 6 Alexander Avenue, there was nothing in terms of policy or tactical requirements that were breached by Constable Bryan when he entered onto 6 Alexander Avenue by himself. Sergeant Prettyman suggested that although it might have been desirable for the officers to speak to the witnesses to be apprised of all relevant information, *there was an urgency for the police to...do something ...given the information they had.*

11.7 Constable Bryan conceded that in hindsight both he and Constable Trupiano ought to have approached the scene and gone in together. However, had they done so, he did not know whether the ultimate outcome would have been any different.

11.8 Superintendent Kirsty Hales, Commander of the NSWPF Mental Health Command, was of the view that the fact that the two officers did not approach Steve together would not have made a difference to their ability to communicate effectively with Steve.

11.9 Conclusion

While it would have been preferable for Constable Bryan and Constable Trupiano to have more information and for them to have approached the scene together, there was no evidence that for them not to have done so constituted a breach of NSWPF policy or procedures. In any event, there was little time for a joint response to have made any difference to the ultimate outcome. The response by the two officers to the calls made in relation to the conduct of Steve on the morning of 25 May 2023 was appropriate in the circumstances.

12 Was the use of force by police appropriate and lawful?

Should mental health clinicians instead of police officers have responded to the situation in Alexander Avenue?

12.1 All expert witnesses agreed that in the circumstances as they unfolded on 25 May it was not appropriate for a mental health clinician, as distinct from a police officer, to respond to concerns in relation to Steve's behaviour in Alexander Avenue. Expert witness Michael Brown of MHC Insights questioned whether anyone that responded, other than the police, *would have the capacity and capability to deal with the situation that already involved an allegation of crimes*. He concluded that *when it describes minor crime that could be escalating, for me it pushes it immediately into...a need for a police response*.

The NSWPF tactical options model

12.2 According to Sergeant Prettyman, philosophically, policing involves balancing the need to use force with avoiding the excessive application of force. He explained that police should use only that force that is reasonable, necessary, proportionate, and appropriate in the circumstances and should use no more force than is reasonably necessary for the safe and effective performance of their duties.

12.3 Sergeant Prettyman's evidence was that the tactical options model used by the NSWPF does not provide a hierarchical list of options for the use of force, and minimum force is not endorsed as a practical limitation or guideline for the use of force. Instead, the NSWPF model provides a range of different responses that police can use with the primary goal being to gain, and then maintain, control of a given situation. A technique that provides a high degree of control, and a minimal possibility of injury is the preferred option. While there are criteria for use associated with particular tactical options, Sergeant Prettyman explained that it is a matter for the officer involved considering a number of factors as to

what option they choose, the overriding consideration being the level of threat posed by the subject.

Were there any alternatives to the use of force?

- 12.4 Superintendent Hales gave evidence about recent changes to mental health training given to NSWPF officers which focused to a greater extent than previously on *the communication side of engaging with someone with mental illness or in mental health crisis*. However, in her view, any initial threat would need to be removed before a police officer could engage meaningfully with an individual experiencing a mental health crisis. She said:

I think for any officer confronted by someone armed, that whilst we're agreeing that it is relevant around tone and how you engage someone, I think you have to bear in mind that the initial response would have been to have removed the risk and threat. And then, the second response really would be about how am I going to engage this person in terms of active listening, building a rapport to de-escalate the situation, and then actually problem solve and work out what is going on for them. How can I help them and how do I best manage this situation.

- 12.5 Associate Professor Sullivan also found it difficult to conceive of how police might have approached the matter differently as Steve's *aggressive approach did not enable police to de-escalate or manage the situation without use of force*. Associate Professor Sullivan's view was that the responding police officers did not have any option to engage Steve in discussion and further, that Steve was unlikely to de-escalate with discussion.

Could a Taser have been used?

- 12.6 Sergeant Prettyman gave evidence of studies that showed that a police officer needed to be at least 7 metres from an individual armed with an edged weapon to have enough time to react and draw a weapon. One of the limitations of using a Taser is the requirement to have a completed circuit for it to have any physical effect. Sergeant Prettyman's evidence was that the maximum distance the two Taser probes would travel is 7.6 metres with the optimum range being between 2.1 to about 4.4 metres, as between those distances the probes spread apart, which leads to optimal neuromuscular incapacitation (NMI).

- 12.7 According to Michael Brown there are problems with choosing to rely on the fact that a Taser might work, one of which was explored in the oral evidence given by Constable Bryan.

He explained that at least part of the reason that he did not use his Taser was that its effectiveness depended firstly on both probes hitting the subject, and secondly on an appropriate spread between the probes such that the major muscle groups are affected. Clearly the use of a Taser was a risky option in circumstances where Steve was armed and was moving rapidly towards Constable Bryan.

- 12.8 An additional problem explored in the evidence was the difficulty of an officer then drawing a firearm if the Taser was ineffective, given that both the Taser and the firearm would be drawn with the officer's dominant hand. During his directed interview, Constable Bryan was asked what he would have done if he had decided to use his Taser and it was ineffective. He replied:

I would have had to try to then get my firearm out. And I think the gap would have been closed and I would have either been hurt or killed.

- 12.9 When it was suggested to Sergeant Prettyman that assuming all things went well and the Taser probes landed in an effective range, it would have been potentially effective and appropriate to have used a Taser, he replied that he did not think the Taser was an appropriate option in the circumstances.

Was it appropriate for Constable Bryan to have used his firearm?

- 12.10 Sergeant Prettyman explained:

The rationale behind police discharging a firearm on a human being is that there is such an overwhelming need to stop that person immediately and prevent them from continuing with the actions that they are presently engaged in, that a firearm, an option of lethal force, must be employed.

- 12.11 There was no BWV of Constable Bryan discharging his firearm or of the moments that led to this point. There was, however, evidence from both police witnesses and several civilian witnesses about what occurred. Inevitably there were some inconsistencies in the accounts given by the various witnesses. This may be due to where each witness was situated as events unfolded, their individual focus, their different responses to what was undeniably a traumatic event, or individual differences in memory. There is, however, substantial consistency in relation to the key parts of the evidence: that Steve emerged from the rear of 6 Alexander Avenue brandishing two knives; that he moved rapidly towards Constable Bryan, who was in full police uniform; that Steve followed Constable Bryan, who was

moving backwards down the right hand side of the carport between the car and the boundary wall; that Steve ignored several commands from Constable Bryan that he drop the knives; that after Constable Bryan discharged his firearm twice, Steve continued to advance on him while still brandishing the knives; and that Steve did not cease to advance until Constable Bryan discharged his firearm a third time.

12.12 Constable Bryan considered the risk to him imminent, despite wearing body armour. This perception was shared by several of the civilian witnesses. For example, Ben Carstein described Steve as an *imminent threat* to Constable Bryan, and David Kennedy stated:

I have no doubt from seeing the incident as it unfolded that if the policeman did not act, the man would have seriously injured or killed him.

12.13 The ultimate conclusion of Sergeant Prettyman in relation to the actions of Constable Bryan and Constable Trupiano on 25 May 2023 was as follows:

- the actions of Constable Bryan in discharging his firearm at Steve is in line with NSWPF policy, procedure and training practice guidelines;
- although it appears that the first two rounds fired by Constable Bryan hit Steve, they do not appear to have incapacitated him; and
- once Steve commenced moving towards both officers again, still armed with the knives, he still presented an immediate lethal threat to police. In these circumstances Constable Bryan's decision to fire an additional round is, again, in line with NSWPF policy, procedure and training practice guidelines.

12.14 I accept these conclusions.

12.15 Conclusion

Given the rapidity with which Steve approached Constable Bryan while armed with two knives, there was no opportunity for Constable Bryan or Constable Trupiano to engage with him in any way to de-escalate the situation. Steve presented an imminent threat to the safety of Constable Bryan. There was an overwhelming need to stop him immediately such that Constable Bryan's discharge of his firearm until such time as the threat Steve posed was removed was justified. I am satisfied that Constable Bryan's actions in this regard were appropriate and lawful and in accordance with NSWPF policies and procedures.

13 Why were body worn video cameras not utilised by the officers on 25 May 2023?

- 13.1 The version of the NSWPF *Body Worn Video Standard Operating Procedures (BWV SOPs)* in place at the time of Steve's death was version 2.6, published in April 2023.

Wearing of BWV cameras

- 13.2 Version 2.6 of the BWV SOPs provided that:

All police officers wearing police uniform, whilst engaged in duties of operational response, must, where practicable, wear as part of their uniform, a BWV camera for use in accordance with these SOPs.

- 13.3 Although on 25 May 2023 Constable Bryan was wearing a BWV camera in accordance with the BWV SOPs, Constable Trupiano was not.
- 13.4 Constable Trupiano's evidence at the time she gave her directed interview was that she did not wear a BWV camera during her shift on 25 May 2023 because she was unable to log onto the machine by means of which the BWV cameras were charged (**the kiosk**). During her oral evidence Constable Trupiano clarified that she did not attempt to log onto the kiosk as it was apparent to her that there were no BWV cameras available for her to take out. Evidence tendered in the inquest was that an audit of BWV cameras in both Chatswood and North Sydney Police Stations conducted in June 2023 found that the number of functioning BWV cameras was insufficient for the requirements of officers rostered to those stations. Constable Trupiano's evidence was that although ideally both she and Constable Bryan would both have a BWV camera, she was aware that Constable Bryan was wearing a camera, so at least they would have one between them.
- 13.5 Constable Trupiano gave further evidence that there were also issues with the functionality of the BWV cameras at that time. Her evidence was that on somewhere between 25% and 50% of the shifts that she worked as a general duties police officer, she had issues with the BWV cameras. Clearly this places officers in a position where although there is an expectation that they are to wear a BWV camera, they are unable to meet this expectation due to an insufficient number of functioning BWV cameras.

Use of BWV cameras

- 13.6 Version 2.6 of the BWV SOPs provided that:

A police officer will activate their BWV camera when it is appropriate to do so. In making the decision to activate the BWV camera, a police officer will use their own judgement and take into account a number of factors, including:

- *officer safety and protection*
- *the need to capture evidence*
- *accountability*
- *community expectations*
- *contentious situations*
- *involvement of vulnerable persons*
- *protection for offenders and the community*
- *any other relevant factors that exist.*

13.7 Under the subheading *When to Use BWV* the BWV SOPs state that a BWV camera *should* be used in circumstances including the following:

- *to capture evidence or record something of relevance*
- *when a police power is anticipated or being exercised, or whilst performing a policing function*
- *first response crime and incident investigation*
- *situations where the use of force is anticipated.*

13.8 In his directed interview, Constable Bryan explained that he would usually only activate his BWV camera after he had spoken to someone, before deciding whether the conversation needed to be recorded, generally waiting until he might have to caution someone or exercise his police powers. He did not activate his BWV camera when he attended 6 Alexander Avenue because, he said, he wanted to speak with *the man* first, and because in his experience reports of house breaking turned out to be someone trying to break into their own house. After the point where Steve appeared at the back of the house, he explained, everything happened so quickly he did not have time to activate his BWV camera.

- 13.9 However, in his statement, Detective Inspector Power pointed out that even before he arrived at 6 Alexander Avenue, Constable Bryan was armed with important and relevant information that he should have taken into account in determining whether he should activate his BWV camera: that the job had been upgraded from routine to urgent by Chatswood 81; that the male was becoming more aggressive and attempting to break down doors; his belief that the male probably did not live at 6 Alexander Avenue despite individuals breaking into their own houses being a common scenario; and that he, along with Constable Trupiano, assessed the job to be urgent enough to proceed *code red*. Detective Inspector Power maintained this opinion in his oral evidence.
- 13.10 Prior to attending 6 Alexander Avenue, Constable Bryan was aware that the job had been allocated as priority 2 meaning that there was *a serious threat to life or property occurring now, requiring an immediate Police response. For example, armed robbery, violent domestic, serious assaults, person trapped in motor vehicle, etc* and *urgent action is required to apprehend offenders*. Irrespective of Constable Bryan's experience suggesting that sometimes such reports actually involved a person breaking into their own home, the description of the incident and the priority it was afforded by the despatcher, should have suggested to Constable Bryan that the job that he was responding to was one where his BWV camera should have been activated. In the absence of any report that Steve was armed, he could not have anticipated what subsequently transpired, however he and Constable Trupiano were first responders to a crime or incident in circumstances where he should reasonably have anticipated exercise of a police power.
- 13.11 In Detective Inspector Power's view, Constable Bryan failed to consider relevant information in relation to his decision not to activate his BWV camera, leading him to be in breach of the BWV SOPs. I accept this opinion, as well as Detective Inspector Power's conclusion that there is nothing to suggest that Constable Bryan's failure to turn on his BWV was *malicious in nature*, by which I understand him to mean that he was not of the view that Constable Bryan's failure to turn on his BWV camera was a deliberate attempt to avoid his actions being recorded.
- 13.12 The failure of Constable Bryan to activate his BWV camera prior to the point where Steve had been fatally injured, was of significant concern to Steve's family and gave rise to understandable suspicions on their part as to whether the account given by the officers of the circumstances immediately prior to Steve's death were accurate. From the perspective

of the coronial proceedings, the failure of Constable Bryan to activate his BWV camera meant that both Constable Bryan and Constable Trupiano were required to give evidence, along with several civilians who witnessed the shooting. Having to re-live the events of 25 May 2023 was undoubtedly traumatic for each of these witnesses. Although there were a number of individuals who witnessed Steve's shooting, there were differences in the accounts given by these witnesses: variations in the accounts of where Constable Bryan and Steve were standing when the shots were fired; issues related to the trajectory of the shots fired by Constable Bryan, and questions about the sequence in which each of the shots was fired. All these issues were impossible to resolve in the absence of footage of the incident as it unfolded and sadly left many unanswered questions for Steve's family despite an extensive coronial investigation and the comprehensive nature of the evidence obtained.

13.13 Conclusion

Constable Bryan's failure to activate his BWV was not reasonable in all the circumstances and constituted a breach of the NSWPF policy, as it then was, in relation to the use of BWV cameras.

The NSWPF's Integrated Connected Officer Program and Holster Activation Devices

13.14 By the time of the inquest the NSWPF had begun to roll out its Integrated Connected Officer Program and the Holster Activation Devices. This system ensures that a BWV camera is automatically activated when an officer draws their firearm or Taser, and that the BWV cameras in standby mode of all other officers within a 10+ metre radius are also activated. Sergeant Prettyman's view was that if that system had been in use at the time of the incident on 25 May 2023, when Constable Bryan drew his firearm, it would have automatically activated his BWV camera to record the incident and back capture the 30 seconds of BWV footage prior to Constable Bryan drawing his firearm.

13.15 However, at the time of the inquest, it was clear that for the BWV camera to be automatically activated, the BWV camera must have already been placed in standby mode. Constable Bryan had not done this. At the time of the inquest, it was unclear under what circumstances NSWPF officers were required to place their BWV cameras in standby mode and whether there had been any change in the BWV SOPs in the light of the roll out of the Integrated Connected Officer Program and the Holster Activation Devices.

The Law Enforcement Conduct Commission Review of NSW Police Force body-worn video policy and practice

13.16 In March 2025, the Law Enforcement Conduct Commission (LECC) published its *Review of NSW Police Force body-worn video policy and practice*. The importance of BWV is outlined in the Foreword to the report.

BWV allows police officers to capture accurate, high-quality visual and audio recordings of incidents and interactions with the public. Such recordings provide crucial evidence to assist criminal prosecutions, coronial inquests, and the investigation of allegations of police misconduct. Appropriate use of BWV is thus vital to support the safety of police officers and community members. It is equally useful in ensuring public confidence in the police.

13.17 Although in its report, LECC acknowledged the initiatives of the NSWPF in terms of the roll out of integrated connected officer technology, rolling out new BWV cameras with the capability for automatic activation when a police officer draws their service firearm or Taser, and in reviewing the BWV SOPs, the key message of the Report was that the NSWPF ought to mandate activation of BWV cameras in all cases where police powers are being used.

13.18 As the Report acknowledged, one of the benefits of widespread use of BWV is *reducing the need for already traumatised witnesses and police officers to repeat evidence in court, coronial and misconduct proceedings*.

Recent changes to NSWPF policy in relation to BWV

13.19 As at May 2023, there was a subjective component to the BWV SOPs as to when officers needed to switch on their BWV cameras. The LECC report criticised this aspect of the BWV SOPs as ambiguous and allowing officers too much discretion around when to activate. The report referred to *varying attitudes and inconsistent practices among officers around when to activate or deactivate BWV*.

13.20 At the time of the inquest, the NSWPF was in the process of reviewing its BWV SOPs. This review was completed in mid-2026 and resulted in significant changes being made to the NSWPF BWV policy and procedures.

13.21 The BWV SOPs now provide that as a general principle, all police working in an operational capacity must wear a BWV camera unless there is an exemption, or it is reasonably

impractical to do so. The new BWV SOPs specifically state that an officer wearing a BWV camera must activate the camera, unless it is impractical or unsafe to do so, whenever they:

- exercise a police power under any legislation or regulation, or reasonably suspect that a police power will be used;
- attend a serious crime incident;
- use a tactical option that involves a use of force;
- when exiting a vehicle upon attendance at Priority 1 or Priority 2 jobs
- are engaged in a police pursuit (passenger/observer only); and
- when in the vicinity of other officers who are obviously exercising a power (all officers are to turn on BWV).

13.22 Irrespective of whether other officers are already recording an incident or interaction in the above circumstances, it is now expected that all police on scene will activate their BWV cameras.

14 Could Steve's life have been saved if resuscitation measures had been implemented immediately after he was shot?

14.1 After Steve was shot, cardiopulmonary resuscitation (**CPR**) was not administered by any police officer. By the time ambulance officers attended, Steve was already deceased.

14.2 The NSWPF does not have any specific policy in respect of first aid, however section 6(3)(b) of the *Police Act 1990* states that part of the mission and functions of the NSWPF is *the protection of persons from injury or death*. Further, the chapter of the *NSW Police Handbook* in respect of *Crime Scenes* requires that first officer(s) at a crime scene should *render and arrange first aid*.

14.3 Following the third gunshot injury, Steve was observed to be on the ground unresponsive and not breathing. All the involved NSWPF officers had completed training in CPR and should have been aware that CPR should be commenced on a collapsed person who is unresponsive and not breathing normally.

14.4 Sergeant Prettyman commented:

Whenever a subject receives an injury as a result of Police interaction, there is an expectation that Police apply first aid. It would appear in this instance that first

aid, including CPR was not conducted, which is not in line with NSWPF policy, procedure and training practice guidelines.'

He noted, however, that the failure on the part of Constable Bryan and Constable Trupiano to perform CPR occurred in the context of both officers being exposed to high levels of stress and that it is not uncommon for even highly trained and skilled individuals to make errors of judgement or skill-based mistakes when operating in a high stress environment.

14.5 Both officers accepted that with the benefit of hindsight, CPR ought to have been performed.

14.6 Constables Mitcherson and Sanky both made pertinent observations that indicated that Steve had no signs of life. While these observations should have led to the initiation of CPR, these officers were also under considerable stress and had the competing priorities of managing a crime scene and ensuring the safety of their colleagues. These officers appear to have concluded that Steve was deceased and that resuscitation was futile. While they have no medical training that would allow them to determine the futility of resuscitation, both officers indicated that they had previous experience in viewing deceased bodies and it appears that this influenced their decision not to initiate resuscitation.

14.7 Conclusion:

The failure by any police officer to commence CPR or initiate other first aid measures was not in line with NSWPF policy, procedure and training guidelines and was not consistent with adequate care. However, there were significant mitigating factors that contributed to the lack of CPR or other first aid measures being provided to Steve.

14.8 The gunshot wound to Steve's left anterior shoulder injured the great vessels of the heart and roof of the right atrium. According to Forensic Pathologist, Rebecca Irvine, *[t]hese injuries would be unequivocally fatal, regardless of extraordinary emergency interventions.* In her opinion *the fatal gunshot wound was that of the left anterior shoulder.*

14.9 Dr Irvine's opinion was shared by expert emergency physician, Associate Professor Anna Holdgate. Her view was that the bullet wound which passed through Steve's heart was *inevitably fatal.* In her opinion, even if the police had immediately commenced CPR and other first aid measures, this would have made no difference to the outcome.

14.10 I accept the evidence of both experts in this regard.

14.11 Conclusion

The injuries Steve suffered were unsurvivable. Immediate commencement of CPR or other first aid measures would have made no difference to the ultimate outcome.

The adequacy of NSWPF CPR training

14.12 During her evidence, Associate Professor Holdgate expressed the view that while the relevant NSWPF officers had purportedly completed CPR training, they did not appear to confidently understand the indication to commence CPR, that being an unresponsive person who is not breathing normally. Associate Professor Holdgate's involvement in previous inquests as well as the inquest in relation to Steve's death led her to *remain concerned that NSW Police do not receive adequate training regarding the recognition of the need to commence CPR*. She also indicated that her experience of more than one inquest was that NSWPF officers were trained on how to do CPR but not when to do it.

14.13 Counsel for Steve's family submitted that there was scope for the court to recommend that the NSWPF consider reviewing its current training of police officers in relation to CPR to ensure it is understood when it is expected that CPR should be commenced. It became clear however, that subsequent to Steve's death, and in response to recommendations made by Deputy State Coroner Harriet Grahame in the *Inquest into the Death of Omar Mohammad*¹ and by State Coroner Teresa O'Sullivan in the *Inquest into the Death of Kevin Edwards*², from 2024-2025 the NSWPF CPR training had been enhanced to include a greater emphasis on officers commencing CPR in cases of a person who is unresponsive/unconscious and is not breathing normally.

15 Conclusion

15.1 Approximately 15 seconds elapsed between Constable Bryan broadcasting *What are you doing mate?* when he saw Steve emerging from the back door of 6 Alexander Avenue and Constable Trupiano's broadcast, *Shots fired. POI down*. Police officers are often required to make difficult decisions in very short periods of time. In the course of their work, they encounter situations that are physically or psychologically confronting, or which involve

¹ [2024] NSWCorC 6 (19 February 2024)

² [2024] NSWCorC 57 (17 October 2024)

people with mental illness, those who are drug or alcohol affected, or individuals who are violent, unpredictable, or emotionally heightened. By contrast, inquests are conducted in the relative calm of a courtroom, with the benefit of time and the clarity brought by hindsight.

- 15.2 It is understandable for those who have lost a loved one to ask *What if...?*, to speculate whether if one thing or another had, or had not occurred, the person they love might still be with them. There must be oversight into the use of the considerable powers given to police, particularly when, in the exercise of those powers, there is loss of life. However, the focus of an inquest is not to speculate about what could have happened if different decisions had been made, but to consider instead whether there has been a failure of policy or procedure, or non-compliance with policy and procedure and, if so, to make recommendations as to how best such failures can be remedied.

16 The need for recommendations pursuant to s82

- 16.1 In this case, the identified shortcomings in the NSWPF policy in relation to BWV and the inadequacies in the CPR training offered to police officers identified by Associate Professor Holdgate had been remedied either by the time of the inquest or since. In view of this there is no basis for any recommendation to be made pursuant to s82 of the Act.

17 Findings required pursuant to s81(1)

- 17.1 I make the following findings in relation to Steve's death.

Steve Pampalian died on 25 May 2023 at 6 Alexander Avenue, North Willoughby.

He died of gunshot wounds to the torso.

Steve was shot by a police officer acting in the lawful execution of his duty in the course of an incident where, while he was suffering a psychotic episode, Steve advanced rapidly on the officer brandishing two knives.

18 Close of Inquest

- 18.1 I thank counsel assisting, Patrick Rooney, and his instructing solicitors, Elizabeth Blomfield and Eryn Leddy-Rebecchi of the Crown Solicitor's Office, for all the assistance they have provided to me in the preparation and conduct of this inquest. I also thank Detective

Inspector Trent Power for the very comprehensive investigation he conducted into the circumstances of Steve's death.

18.2 Once again on behalf of the Coroners Court, I offer my sincere and respectful condolences to Steve's friends and family.

18.3 I close this inquest.

A handwritten signature in black ink, appearing to read 'K Pearce', followed by a period.

Judge Kasey Pearce

Deputy State Coroner

18 September 2026