
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : SARAH HELEN LINTON, DEPUTY STATE CORONER
HEARD : 27-28 APRIL 2021
DELIVERED : 23 JULY 2021
FILE NO/S : CORC 22 of 2018
DECEASED : GERRARD-LATHAM, DEAN JESSE

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Ms R Collins assisted the Coroner.

Mr B D Nelson with Mr C Mofflin (SSO) appeared on behalf of the WA Police.

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Deputy State Coroner, having investigated the death of **Dean Jesse GERRARD-LATHAM** with an inquest held at Broome Courthouse, Court Room 2, Hamersley Street, Broome, on 27 April 2021 - 28 April 2021, find that the identity of the deceased person was **Dean Jesse GERRARD-LATHAM** and that death occurred on an unknown date between 2 and 4 December 2018 in bushland approximately 250 metres north of the Great Northern Highway and 2 kilometres east of the intersection of Great Northern Highway and Derby Highway, Willare, from environmental exposure in a man with methylamphetamine effect in the following circumstances:*

TABLE OF CONTENTS

INTRODUCTION	3
BACKGROUND	4
EARLY EVENTS IN BROOME	6
THE JOURNEY TO DERBY	6
ARRIVAL IN DERBY	7
THE EVADE POLICE INCIDENT	8
MS EMMITT AND DEANO BECOME STRANDED	11
MS EMMITT'S JOURNEY TO WILLARE ROADHOUSE	12
MS EMMITT'S ARREST	13
THE SEARCH	16
CAUSE OF DEATH	19
INVESTIGATION INTO THE DEATH	21
INTERNAL AFFAIRS UNIT INVESTIGATION	22
MANNER OF DEATH	23
CONCLUSION	24

SUPPRESSION ORDER

On the basis it would be contrary to the public interest, I make an order that there be no reporting or publication of the details of any of the versions of the WA Police Emergency Driving Policy and Guidelines, including, but not limited to, any cap on the speed at which police officers are authorised to drive.

INTRODUCTION

1. Dean Jesse Gerrard-Latham, who was known to his family and friends as Deano,¹ died in bushland outside Derby in early December 2018.
2. Prior to his death, Deano was driving a stolen Subaru Forester car that had been taken during a burglary in Broome on 28 November 2018. Police officers suspected Deano was involved in the burglary and had been looking for him over the following days. On 1 December 2018, Deano and a friend, Jessica Emmitt, drove the stolen Subaru to Derby, where Deano apparently intended to sell some drugs and abandon the stolen car before returning to Broome.
3. Deano and Ms Emmitt arrived in Derby in the early hours of the morning on 2 December 2018. Derby police officers became aware that Deano had arrived in the town and they began to look for him. Police officers eventually sighted the stolen Subaru on a residential street in Derby. The police tried to get Deano to pull over, but he accelerated away and headed out of Derby onto the Derby Highway. Two police cars followed at a distance, and one of the cars managed to keep track of him for a while, but the police eventually lost sight of the stolen Subaru.
4. Ms Emmitt later told police Deano drove the car into the Curtin RAAF air base (or possibly the old detention centre) and then headed off down a bush track. The car then came to a stop, possibly because it had run out of petrol. Deano and Ms Emmitt tried to call friends to come and get them, but no one was able to help. They eventually left the car and walked off into the bush. It was very hot and they only had a small amount of water each. They used up their water quickly, so they soon became dehydrated and fatigued. Deano had used methylamphetamine earlier and he started to hallucinate at some stage. Ms Emmitt tried to get him to keep walking with her, but he refused, so eventually she left him there.
5. Ms Emmitt walked until she found a highway and managed to get lifts from passing motorists until she reached the Willare Roadhouse at about 6.30 am on 3 December 2018. After dropping her at the roadhouse, one of the motorists rang police as he was concerned for her welfare. Police officers drove out to the roadhouse and found Ms Emmitt there at about 2.30 pm. They arrested her as they suspected she had been involved in offences related to the stolen car. She was asked if she knew where Deano was. She did not tell them immediately that she had left him in the bush and the police were left with the general impression was that he had made his own way to Fitzroy Crossing or back to Derby.
6. At about 5.20 am on 4 December 2018, after Ms Emmitt was assessed as fit to be interviewed, police officers formally interviewed her. During the interview, she eventually told the police she believed Deano was still out in the bush near the Curtin RAAF air base. She said she hadn't told police earlier as she didn't want to get Deano in trouble.
7. A land search and rescue was commenced by Derby police at about 6.30 am that same day. After searching the area around the RAAF air base and Curtin detention

¹ I will refer to him in this finding as Deano, at his family's request.

centre for a few hours, Deano's body was located by police officers in a bush clearing at about 1.30 pm on 4 December 2018. He was about 300 metres from the Great Northern Highway. It appeared he had been deceased for some time. A forensic pathologist later concluded his death was consistent with exposure while affected by methylamphetamine.

8. Due to the involvement of police with Deano prior to his getting lost in the bush, as well as the police involvement with Ms Emmitt, an inquest was held to consider whether Deano's death was caused, or contributed to, by any action of a member of the police force.²
9. I held an inquest in Broome on 27 and 28 April 2021. A number of witnesses were called to speak about their interactions with Deano and Ms Emmitt, as well as the officers who were involved in the search for Deano. In addition, the police officers who conducted the investigations into Deano's death and the related police conduct also gave evidence.
10. Ms Emmitt was not called to give evidence at the inquest. She had already provided three statements to police setting out her memory of events, as well as participating in the electronically recorded interview, during which she had revealed to police that Deano was missing. Given these accounts were much closer in time to the events, and even then her recollection was imperfect, I felt they would be the most accurate record of her recollection of events and the best source for ascertaining what information she provided to police at the relevant time.
11. At the conclusion of the inquest I indicated that I was satisfied there was no evidence to conclude that the police caused or contributed to Deano's death.

BACKGROUND

12. Deano was a young Indigenous man born in Kununurra in northern Western Australia. He was part of a large extended family, with many brothers and sisters. He spent most of his life in the north of Western Australia in the traditional country of his parents, moving between the towns of Kununurra, Derby and Broome, although he did spend some time in Perth as well. His parents separated when he was a boy and he spent most of his early school years living with his father and attending school in Kununurra, before moving to Broome to live with his mother and go to school when he was about 15 years of age. He would return to Kununurra to visit his father in the school holidays.³
13. Deano was described as a normal sort of kid who liked spending time with his friends. He was a keen sportsman who enjoyed playing football, cricket and basketball. He also liked going out bush where he could go fishing, hunting and camping with his family. Deano was described as happy and outgoing and someone

² Section 22(1)(b) *Coroners Act*.

³ Exhibit 1, Tab 6, Statement - Alfred Gerrard.

who liked to laugh. He respected his family and maintained close family connections as he grew into a young man.⁴

14. Unfortunately, while spending time living in Broome, Deano became involved with using illicit drugs, particularly methylamphetamine/ice. Apart from his drug use, he was generally healthy and well, but the drug use took a toll and led him to become involved in criminal offending. Deano had served time in prison before his death. He was last released from prison in March 2018 after serving a sentence for various offences. From that time, he was generally living with his mother and other family members in a house in Cable Beach.
15. It appears that Deano had continued to use illicit drugs after being released from prison and it had begun to affect his mental health, at least when he was using. On 7 August 2018, Deano presented to the Broome Health Campus after displaying erratic behaviour and responding to auditory hallucinations at home. He admitted using methylamphetamine for the past two nights. A recommendation was made for Deano to be seen by the Emergency Department Coordinator for a community mental health assessment, but Deano did not wait to be seen.⁵
16. On 25 November 2018 Deano also attended Broome Health Campus in relation to an infected wound on his left arm. He was admitted to the surgery unit so that exploration of the wound could be conducted under general anaesthetic. While in the surgery unit there was an incident where nursing staff found it difficult to wake him. It was suspected that Deano had used opiates, as a used syringe was found behind his bed. He was supposed to have fasted before surgery, so he was released and told to re-attend after he had fasted. He did not reattend prior to his death.⁶
17. Deano was not married and did not have any children, but he had been in a relationship with a woman who had a young son, who he treated like his own child. This woman had moved to Queensland while Deano was in prison. He apparently was keen to renew the relationship if he could get together enough money to go to Queensland and visit her.⁷
18. Deano had never been employed, although he had done some community work in Beagle Bay. Deano's father is the traditional owner of some land in Kununurra. The land was being used to build a prawn farm in Kununurra around the time of Deano's death. His father was hopeful of getting Deano involved in the prawn farm so he could start his first paid employment and begin looking towards the future. Sadly, Deano died before this eventuated.⁸

⁴ Exhibit 1, Tab 6, Statement - Alfred Gerrard.

⁵ Exhibit 1, Tab 7, Police Report, p. 14.

⁶ Exhibit 1, Tab 7, Police Report, p. 14.

⁷ Exhibit 1, Tab 7, Police Report, p. 3.

⁸ Exhibit 1, Tab 6, Statement - Alfred Gerrard.

EARLY EVENTS IN BROOME

19. In the early hours of the morning on Sunday, 25 November 2018, Deano was involved in a domestic incident at his mother's house in Cable Beach. The incident was reported to the police. By the time police officers arrived at the house, Deano had left. The attending police officers were told that Deano had been behaving aggressively at the house and damaging property because he was high on drugs.⁹
20. On the evening of Wednesday, 28 November 2018, a red Subaru Forester SUV was stolen from the driveway of a home in Lorikeet Drive, Djugun, following a burglary at the house. Also stolen from the house was a handbag containing various bank cards. Deano was identified as a suspect in the offences by Broome Detectives and they began looking for him.¹⁰
21. At about 2.00 am on Thursday, 29 November 2018, Deano attended a BP service station in Broome and was captured on CCTV purchasing various items with a bank card stolen during the burglary at Lorikeet Drive. A few hours later, between 6.00 am and 7.00 am, Deano was captured on CCTV purchasing more items with the stolen card from two other service stations and a bakery in Broome.¹¹
22. Overnight on 29 to 30 November 2018, Deano stayed at a friend's house in Brown Court, Cable Beach. Police were actively searching for Deano at this time. At about midnight on Saturday, 1 December 2018, police executed a *Misuse of Drugs Act* search warrant at the house in Brown Court where Deano was staying. Deano was observed by police running from the address and jumping a fence. Another person at the house was arrested on an outstanding arrest warrant and taken away by police. Jessica Emmitt was also at this house at the time police arrived, but she was apparently not the subject of their attention.¹²
23. Deano later returned to the house in Brown Court and collected a mobile phone he had lost when he was running away from police earlier in the day.¹³

THE JOURNEY TO DERBY

24. The next information about Deano's whereabouts was at about 8.30 pm on Saturday, 1 December 2018. Jessica Emmitt arrived at this time at a house in Howard Place, Cable Beach. Prior to her arrival, Deano had sent a message to the resident telling her that he was coming over. Deano arrived shortly after. He had with him some cipseal bags of crystal material, apparently methylamphetamine, which he was keeping in a small metal tin. Deano sat down in the lounge room and started to separate the crystal material into smaller quantities for sale. He handed one bag, containing a half weight (0.5g) to Ms Emmitt.¹⁴

⁹ Exhibit 1, Tab 7, Police Report, p. 3.

¹⁰ Exhibit 1, Tab 7, Police Report, pp. 3 – 4.

¹¹ Exhibit 1, Tab 7, Police Report, p. 4.

¹² Exhibit 1, Tab 7, Police Report, pp. 4 – 5.

¹³ Exhibit 1, Tab 7, Police Report, p. 5.

¹⁴ Exhibit 1, Tab 16 – Jessica Emmitt.

25. Deano then asked Ms Emmitt if she could assist him in making \$1,000 before 11.00 pm. She assumed this would involve selling the packaged drugs. Ms Emmitt and Deano walked over to a neighbouring house and climbed up onto the roof, where they talked and smoked methylamphetamine. During their conversation Deano asked her if she wanted to go for a cruise and checked if she would be okay going in a stolen car. They then obtained a lift to Cable Beach Primary School where Deano retrieved the red Subaru that had been stolen from the burglary in Djugun a few days before.¹⁵
26. At about 11.30 pm Deano and Ms Emmitt drove in the stolen car to a house in Howe Drive, Cable Beach, where Deano spoke to Amanda Freestone. He got out of the car and showed Ms Freestone around 20 to 30 packets of methylamphetamine. He told her that he intended to drive to Derby. He then drove away with Ms Emmitt still in the front passenger seat.
27. As they drove away, Deano asked Ms Emmitt whether she was happy to drive to Derby with him to sell the methylamphetamine. He told her he planned to drive to Derby in the stolen Subaru and then catch the bus back to Broome in the morning. After agreeing on this plan, they drove to Gantheaume Point and smoked methylamphetamine before commencing the journey from Broome to Derby. They drove to Derby in the stolen Subaru, arriving in Derby in the early hours of the morning on Sunday, 2 December 2018.¹⁶

ARRIVAL IN DERBY

28. Deano and Ms Emmitt had damaged a tyre on the journey to Broome. They went to a house on Richardson Terrace in Derby where they changed the tyre with the help of Dennis Shadforth. Mr Shadforth indicated that Deano expressed concern the police were looking for him at that time.¹⁷
29. Deano and Ms Emmitt next went to a house in Knowsley Street, West Derby. Apparently, the plan was to sell drugs to a male associate at the house. On arrival, Deano spoke to Richard MacFarlan, the owner of the house. Deano offered to sell Mr MacFarlan drugs but Mr MacFarlan declined. Deano then left the house. Mr MacFarlan immediately contacted police to report Deano's suspicious activities. He spoke to Senior Constable Reece Neville and provided information about the car Deano was driving, as well as a description of Deano and Ms Emmitt.¹⁸
30. The Derby Police Station had already received notification from Broome Detectives Office that Deano might be heading to Derby in a stolen car at about 2.00 am on Sunday, 2 December 2018. Senior Constable Grant Pilgrim at the station had then passed this information on to the other Derby police officers so they could be on the lookout for him, and the stolen Subaru, while patrolling.¹⁹

¹⁵ Exhibit 1, Tab 7, Police Report, p. 5 and Tab 16 – Jessica Emmitt.

¹⁶ Exhibit 1, Tab 7, Police Report, pp. 5 – 6 and Tab 16 – Jessica Emmitt.

¹⁷ Exhibit 1, Tab 7, Police Report, p. 6 and Tab 16 – Jessica Emmitt.

¹⁸ Exhibit 1, Tab 7, Police Report, p. 6.

¹⁹ Exhibit 1, Tab 7, Police Report, p. 6.

31. When Senior Constable Neville got the call from Mr MacFarlan, he left Derby Police Station with his partner, Senior Constable Sarah Turner, to conduct patrols to look for the stolen Subaru. They were driving a marked police vehicle with the call sign ED103. Detective Senior Constable Colm Lawless and Detective First Class Constable Jacob Wilkins²⁰ also assisted in patrolling for the stolen Subaru. The detectives were driving an unmarked police car, call sign ED401.²¹

THE EVADE POLICE INCIDENT

32. At about 9.00 am on 2 December 2018, Senior Constables Neville and Turner saw the stolen Subaru on Rowan Street. It then turned left into Baobab Street. Senior Constable Turner activated the emergency lights, indicating for the Subaru to pull over. The driver of the Subaru, who we know was Deano, slowed the car and pulled over to the verge. It initially appeared to the police officers that Deano intended to stop. However, as Senior Constable Neville pulled up behind the Subaru, he accelerated away and turned left onto a dirt track through bush between Heytesbury and Ashley Street.²²
33. The detectives in ED401 heard that the Subaru was heading bush and that the officers in ED103 were following. The detectives headed to the other side of the dirt track. They saw the Subaru come out of the bush onto Ashley Street. ED401 was an unmarked car, so they turned on their lights and siren to alert the occupants of the Subaru to the fact they were police as they tried to block the Subaru's path. However, Deano managed to drive the Subaru around the detectives' car and then turned left on Wodehouse Street, heading towards Derby Highway.²³
34. The detectives turned their car around and followed in the direction of the Subaru with their emergency lights and siren activated, but the Subaru was some distance ahead of them. They saw some dark items apparently thrown from the Subaru, so they slowed down to try and see what they were, believing they might be drugs, but they couldn't identify anything. Detective Wilkins indicated they later found out it was just mud coming off the underneath of the car.²⁴
35. The detectives continued to travel in the same direction as the Subaru, but had lost sight of it after they slowed to look for any drugs on the roadside. The detectives were in communication with Broome Base and they advised that they were following in the same direction as the Subaru, but made it clear they were not pursuing it or trying to engage it. They regained sight of the Subaru not long after and saw the Subaru head onto the Old Cemetery Road. They advised Broome Base over the radio and were told not to engage. In order to make it clear they were following this

²⁰ Now Detective Senior Constable Wilkins.

²¹ Exhibit 1, Tab 7, Police Report, p. 6.

²² T 11; Exhibit 1, Tab 7, Police Report, pp. 6 – 7.

²³ T 11; Exhibit 1, Tab 7, Police Report, p. 7.

²⁴ T 23.

direction and not engaging the Subaru, the detectives pulled over to the side of the road and turned off their lights and siren.²⁵

36. In the meantime, the officers in ED103 had also lost sight of the Subaru. Broome Base asked if they had a priority pursuit driver on board. They acknowledged that they did. They then pulled over and swapped drivers as Senior Constable Turner had such a qualification, while Senior Constable Neville did not. Senior Constable Turner noted they were still not in a proper pursuit vehicle, but she was aware that there can be exemptions granted in certain circumstances, so it appeared appropriate to swap drivers just in case.²⁶
37. The detectives in ED401 were not given permission from Broome Base to try to intercept the Subaru but they were given permission to drive at Priority 2 status to try to deploy their stinger. They drove under those conditions, with their lights and sirens activated, to Gibb River Road in order to attempt to deploy a stinger tyre deflating device to stop the stolen Subaru. As the detectives turned onto Gibb River Road and began to look for an appropriate place to deploy the stinger, they were passed by the stolen Subaru heading west. They did not have an opportunity to deploy the stinger before the Subaru drove away.
38. The detectives in ED401 turned and began to follow the stolen Subaru west, but again lost sight of it.²⁷ The detectives continued driving towards the Willare Roadhouse, as it was in the direction that the Subaru had been heading and the detectives thought it was possible the Subaru might have stopped there to refuel.²⁸
39. Around this time, the marked police car, ED103, which was now being driven by Senior Constable Turner, saw a vehicle in the distance, which the officers thought might be the Subaru. Senior Constable Turner accelerated to try and close the gap with the vehicle, but was unsuccessful as the other vehicle was obviously going much faster. They asked for permission to pursue the vehicle, but this request was denied, so Senior Constable Turner reduced her speed. They were later given priority approval to drive to the Fitzroy Road intersection, to see if the Subaru had turned off there, but they did not see it again. Eventually the officers in ED103 returned to Derby and searched the area where objects had apparently been thrown from the Subaru, but they found nothing of interest.²⁹
40. As ED401 drove past the Derby turf farm, the detectives saw a large cloud of red dust on the property, approximately 300 to 500 metres from the highway. This suggested to them a car had passed at speed. The police drove into the turf farm property to investigate and were approached by the owner of the farm, Stella MacIntyre. Ms MacIntyre later told the detectives that she had been with her partner when she saw the Subaru speeding down her gravel driveway. It drove through their gate into the interior of the property, turning right along the fenceline. The Subaru then travelled at speed through another gate on the property, damaging it. The Subaru

²⁵ T 24; Exhibit 1, Tab 9, IAU Report, pp. 11 - 12.

²⁶ T 13 - 14; Exhibit 1, Tab 9, IAU Report, p. 7 - 10.

²⁷ T 26 - 27.

²⁸ T 26 - 27; Exhibit 1, Tab 7, Police Report, p. 7 and Tab 9, IAU Report, p. 12.

²⁹ T 15 - 16; Exhibit 1, Tab 9, IAU Report, p. 10.

then travelled out of sight. When Ms MacIntyre saw the detectives, she pointed the detectives towards the direction she had last seen the Subaru travelling.³⁰

41. The detectives in ED401 followed in the direction Ms MacIntyre had pointed. They drove onto a very thin track on the property, which ran north around the outskirts of the property. About 200 metres along the track they saw the Subaru coming directly towards them. The detectives activated their lights and siren but could not move out of the way or turn around due to the narrowness of the track. Detective Wilkins recalled the Subaru did not appear to slow down as it drove straight past them. They could see a dark skinned male driver with curly hair, who we know to be Deano, and a light skinned female passenger, Ms Emmitt, as the Subaru manoeuvred around them.³¹
42. The detectives took some time to turn their car around as the track was so narrow. They then returned to the front entrance, where Ms MacIntyre pointed them in the direction the Subaru had gone. The detectives followed along the track in the direction indicated by Ms MacIntyre. They eventually drove the entire perimeter of the turf farm, but they did not see the Subaru again, other than intermittent dust trails. As ED401 reached the front of the farm again, they could see that the Subaru had driven through a barbed wire fence and lost its front bumper, including the number plate. The detectives stopped and spoke to Ms MacIntyre, who told them the Subaru had headed back onto Derby Highway, turning in the direction of Broome or Fitzroy. The detectives told Ms MacIntyre they would return later to take a report about the damage to her property, then headed again towards the Willare roadhouse in case the Subaru headed there to refuel.³²
43. They did not see the Subaru as they patrolled along the highway, other than a car a long way off in the distance that might or might not have been the Subaru. They reached Willare Roadhouse about 20 minutes later and spoke to staff and ascertained the Subaru had not stopped there. They then advised Broome Police Station and Fitzroy Police Station to be on the lookout for the Subaru and suggested Broome send out its traffic car if it was available. The detectives in ED401 then drove out to a nearby small community but also saw no sign of the Subaru there.
44. The detectives then returned to the turf farm and obtained details from Ms MacIntyre of the incident and the damage caused. They inspected the bumper from the Subaru and noted there were no other parts from the car on the ground and no signs of leakage or any other damage to the Subaru. Accordingly, they had no concerns the Subaru was no longer driveable. After obtaining information from Ms MacIntyre and photographs of the bumper and scene, the detectives returned to Derby to file a report and continue their shift.³³
45. Detective Lawless gave evidence they had no reason at that stage to suspect the Subaru had left the road and gone off on a track. There were some concerns about the manner of the driving and the drivability of the Subaru, but they thought it more

³⁰ T 27; Exhibit 1, Tab 7, Police Report, p. 7.

³¹ T 27; Exhibit 1, Tab 9, IAU Report, p. 12 and Tab 23.

³² T 28; Exhibit 1, Tab 9, IAU Report, p. 12 and Tab 23.

³³ T 28 – 31; Exhibit 1, Tab 9, IAU Report, pp. 12 – 13.

likely they might find the car had run out of petrol somewhere along the highway, which is why they drove to Willare and back.³⁴

MS EMMITT AND DEANO BECOME STRANDED

46. The evidence indicates Deano drove the Subaru back down the track on the turf farm that the police had previously gone down and thereby managed to avoid the police. Deano then drove the Subaru along the Derby Highway until he turned left into the entrance of the Curtin RAAF air base and former Curtin detention centre, which is approximately 37 kilometres south of the Derby town site.
47. Deano rammed the Subaru through a gate then continued to drive along the sealed road until they came to another gate that had government insignia on it, which caused Deano to decide not to ram it.³⁵ They turned right and drove down a track. Ms Emmitt estimated they drove for 10 to 15 minutes before they came to a stop in a cul-de-sac facing back in the direction they had travelled. Ms Emmitt believes they stopped as the car had run out of petrol and water and it was also damaged.³⁶
48. Deano told Ms Emmitt to call a friend to get a lift. She called her friend Bo Philp, who lives in Broome, on Deano's phone. She spoke to Mr Philp and asked for a lift, but didn't explain why. He said he couldn't help as he didn't have a car.³⁷
49. They got out of the car and Deano walked away a distance. He then injected himself with methylamphetamine. Ms Emmitt tried to smoke methylamphetamine but it was too windy. Deano then suggested they walk to try to find a road.³⁸
50. Ms Emmitt and Deano cleaned the car of any drugs and drug paraphernalia and then began to walk to look for a road that Deano believed was nearby. They took with them a one litre bottle of water, that was only a quarter full, and a first aid kit.³⁹
51. Deano and Ms Emmitt walked into the bush in an unknown direction. Ms Emmitt told police they did not travel down the road as Deano feared the police would be waiting for them. The bush was thick where they were walking and there was no possibility a car could follow them through it.⁴⁰
52. While they were walking, both Deano and Ms Emmitt tried to call people to ask them to come and rescue them. Some phone calls and messages went unanswered. Deano managed to get through to a cousin, Aleisha Latham, who lives in Derby. Deano asked Ms Latham for a lift, indicating he was approximately 50 kilometres out of town. She said she didn't have a car. He asked Ms Latham to speak to family members to ask them to come and collect him. She thought he was talking fast and

³⁴ T 51.

³⁵ Exhibit 1, Tab 16 Statement – Jessica Emmitt [283].

³⁶ Exhibit 1, Tab 7, Police Report, p. 8 and Tab 13 – EROI and Tab 14 – Statement - Jessica Emmitt [20] and Tab 15 – Statement - Jessica Emmitt [21] and Tab 16.

³⁷ Exhibit 1, Tab 16 – Statement – Jessica Emmitt.

³⁸ Exhibit 1, Tab 14 – Statement – Jessica Emmitt.

³⁹ Exhibit 1, Tab 7, Police Report, p. 8.

⁴⁰ Exhibit 1, Tab 7, Police Report, p. 8 and Tab 16 – Statement – Jessica Emmitt.

sounded afraid. The phone then cut out and no further communication was received from him. Ms Latham told her aunt that afternoon about the call from Deano and they discussed going out to look for him but decided not to in the end, as they were not sure where to look. Ms Latham tried calling Deano again the following day but couldn't get through.⁴¹

53. Deano and Ms Emmitt managed to message another friend to ask for help, but by the time the friend responded they must have lost battery power as Deano and Ms Emmitt did not respond.⁴² Ms Emmitt confirmed later that both her phone and Deano's phone got flat batteries, so they were unable to contact anyone else.⁴³
54. They kept walking, and Ms Emmitt eventually became worried they were walking in circles. Ms Emmitt recalled it was very hot as they walked and the information provided by the Bureau of Meteorology confirms the temperature reached a maximum of 39.8 degrees in the vicinity of the Curtin RAAF air base. They had drunk the small amount of water they had very quickly. They tried digging for water, to no avail, and they did not come across any other water sources. Due to the heat, they struggled to walk and eventually collapsed due to dehydration and fatigue as it became dark. Deano lit up his shirt to try to signal for help. Deano was only wearing shorts and had no shoes by his time. He had tried to bandage his feet at some stage from the first aid kit.⁴⁴
55. While they sat and rested they looked around and noted they could see lights of properties in the distance. Deano fell asleep but Ms Emmitt woke him up after a short time. Deano appeared to be hallucinating when he woke up, calling out to people who were not there and calling Ms Emmitt by his sister's name. They had been in the same spot for about an hour when Ms Emmitt decided they should leave. She states she attempted to get Deano to leave with her, but he refused. She believed he was suffering a psychotic episode at this time and wasn't behaving normally. He seemed paranoid and then became aggressive towards her, kicking her twice in the leg. Ms Emmitt physically attempted to get Deano to stand up and start walking, but he resisted her efforts and refused to leave. He told her that she should go and get him some water, but as mentioned earlier, there was no water source nearby. In the end, Ms Emmitt decided to leave Deano and keep walking on her own.⁴⁵

MS EMMITT'S JOURNEY TO WILLARE ROADHOUSE

56. Ms Emmitt could hear cars driving along a road and see headlights in the distance, so she began walking in that direction. She took with her the two phones with flat batteries. Ms Emmitt estimates she walked for about half an hour until she reached an unsealed road, where she stopped to wait for approaching vehicles. She realised she was not on a major road when she saw a vehicle pass by about 200 metres from her position. She then walked in that direction until she reached a sealed road, which

⁴¹ Exhibit 1, Tab 7, Police Report, p. 8 and Tab 16 – Statement – Jessica Emmitt and Tab 24.

⁴² Exhibit 1, Tb 25.

⁴³ Exhibit 1, Tab 7, Police Report, p. 9 and Tab 16 – Statement – Jessica Emmitt.

⁴⁴ Exhibit 1, Tab 7, Police Report, p. 8 and Tab 14 and 16 – Statement - Jessica Emmitt.

⁴⁵ Exhibit 1, Tab 7, Police Report, pp. 8 – 9 and Tab 14 and 16 – Statement - Jessica Emmitt.

was later identified as Great Northern Highway. Ms Emmitt sat under a large green road sign to wait for a car.⁴⁶

57. Just after sunrise on Monday, 3 December 2018, Stanley Rogers was driving his vehicle along Great Northern Highway when he came across Ms Emmitt on the left hand side of the road. He stopped and asked her where she was going. She told him she was going to Broome. He said he was going to Derby but offered her a lift to the information bay on Derby Highway. She agreed. At the time he came across her, Mr Rogers described Ms Emmitt as appearing in good health, with no obvious injuries. He drove her as far as the tourist bay, near the intersection of Derby Highway and Great Northern Highway and then left her there to continue her journey to Broome. He was going to Derby for a medical appointment and could not drive her any further.⁴⁷
58. Mr Rogers recalled Ms Emmitt was quiet during the car journey. She did not indicate she was thirsty and seemed 'with it'. She did not mention being with another person at any time.⁴⁸
59. After Mr Rogers left her, Ms Emmitt began walking down Great Northern Highway in the direction of the Willare Roadhouse. Tony Gavranich was driving a school bus when he came across Ms Emmitt walking on the side of the road approximately one to two kilometres south of the Fitzroy Crossing turn off. He stopped the bus and spoke to Ms Emmitt. Mr Gavranich recalled Ms Emmitt told him that she had had a fight with her friend and that he had gone to Derby. She asked for water but he didn't have any on the bus. Mr Gavranich gave Ms Emmitt a lift to the Willare Roadhouse. He estimated the time to be between 6.35 am and 6.40 am when he dropped her off.

MS EMMITT'S ARREST

60. After Mr Gavranich left the roadhouse, he rang Derby Police Station as he was concerned about Ms Emmitt and thought there was something odd about the situation. He was also aware from friends that there had been a stolen motor vehicle in the area and some damage done to a property the previous day, which he thought could relate to Ms Emmitt and her friend. The call was diverted to the Broome Police Station.⁴⁹
61. Mr Gavranich spoke to Senior Constable Michael Baughan, who was finishing the night shift. He noted down Mr Gavranich's report and the details of the incident and Mr Gavranich's phone number, and passed these on to Acting Sergeant Greg Fergusson, who had commenced duties as the day shift supervisor.⁵⁰

⁴⁶ Exhibit 1, Tab 7, Police Report, p. 9 and Tab 16 – Statement – Jessica Emmitt.

⁴⁷ Exhibit 1, Tab 7, Police Report, p. 9 and Tab 26 – Statement – Stanley Rogers.

⁴⁸ Exhibit 1, Tab 9, IAU Report, pp. 29 – 30 and Tab 26 – Statement – Stanley Rogers [37].

⁴⁹ Exhibit 1, Tab 7, Police Report, p. 9 and Tab 27 and 28 – Statement – Tony Gavranich.

⁵⁰ Exhibit 1, Tab 7, Police Report, p. 10.

62. Mr Gavranich had understood from his conversation with Ms Emmitt that her friend had hitchhiked back to Derby and he passed this information on to police. This information gave the police the impression that Deano might be back in Derby.⁵¹
63. At about 7.10 am, A/Sergeant Ferguson went to the Broome Detectives' Office and spoke to First Class Constable Peter Gregg. First Class Constable Gregg confirmed he believed the female reported by Mr Gavranich had been involved in burglaries in Broome and the Subaru stolen motor vehicle incident in Derby. First Class Constable Gregg rang Mr Gavranich's mobile phone at about 7.20 am and left a message asking him to return his call. He then went out to conduct inquiries. When he returned to the office at about 1.15 pm, he was told Mr Gavranich had called back. Mr Gavranich had apparently called back around 11.20 am.⁵² First Class Constable Gregg rang Mr Gavranich again at about 1.18 pm and they had a conversation regarding his contact with Ms Emmitt.⁵³
64. At 1.42 pm First Class Constable Gregg spoke to Detective Senior Constable Lawless in Derby and provided him with the information from Mr Gavranich and a current photograph of Ms Emmitt.⁵⁴ At approximately 2.00 pm Senior Constable David Brindle and First Class Constable Michael Ward were tasked to attend Willare Roadhouse and locate Ms Emmitt.
65. Since being dropped at the roadhouse by Mr Gavranich, Ms Emmitt had gone inside and purchased a drink and the staff had let her have a shower. CCTV footage from the roadhouse shows she looks weary and a bit unsteady on her feet. She apparently charged her phone then rang a friend to ask them to come and collect her, but the friend wasn't able to come. Ms Emmitt did not tell her friend about Deano. She gave the reason that her friend didn't know him.⁵⁵ I note she was clearly affected by coming off drugs and fatigue, which would have affected her ability to think clearly.⁵⁶
66. Ms Emmitt tried to find other friends who might help her but then her phone ran out, so she stayed at the roadhouse and was still there when the police arrived.⁵⁷ The two police officers arrived at Willare Roadhouse, which is approximately 60 km from Derby, at about 2.40 pm. They identified a female inside the roadhouse as Ms Emmitt and Constable Ward arrested her on suspicion of stealing a motor vehicle. She was placed into the rear of the police van and was asked at that time whether she knew the whereabouts of the Subaru or Deano. She replied only with the word "Fitzroy" and nothing else. Ms Emmitt appeared to the police officers to be affected by drugs, noting she was jittery and unable to finish her sentences, and drugs were found on her person. She was also crying, making it difficult to engage in further conversation with her. Based upon what she had said, the two police officers

⁵¹ Exhibit 1, Tab 9, IAU Report, p. 21 and Tab 27, Statement - Tony Gavranich [50].

⁵² Exhibit 1, Tab 9, IAU Report.

⁵³ Exhibit 1, Tab 7, Police Report, p. 10.

⁵⁴ Exhibit 1, Tab 7, Police Report, p. 10.

⁵⁵ Exhibit 1, Tab 13 - EROI.

⁵⁶ Exhibit 1, Tab 9, IAU Report, p. 26.

⁵⁷ Exhibit 1, Tab 13 - EROI and Tab 16 – Statement – Jessica Emmitt.

thought she might be referring to either the Fitzroy Crossing turnoff from Great Northern Highway or the town of Fitzroy Crossing itself.⁵⁸

67. Senior Constable Brindle spoke to Detective Wilkins, who had returned to duty. He asked the police officers to drive past the Fitzroy Crossing turnoff on the way back to Derby to ascertain if Ms Emmitt could identify the location of the car. They indicated Ms Emmitt was possibly drug affected and very inconsistent and incoherent in her account, but they would try. They drove back to the turnoff but there was no sign of Deano or the Subaru there.⁵⁹
68. Senior Constable Brindle and First Class Constable Ward then drove several times up and down Great Northern Highway, intermittently stopping to ask Ms Emmitt if she could help with the car's whereabouts. She told the police officers that she could not remember anything and just wanted to sleep. The police officers felt Ms Emmitt was not being fully cooperative, but there was little they could do in those circumstances. They formed the impression that Deano was probably still in possession of the Subaru and either she and Deano had had an argument or she had simply chosen to get out of the vehicle. Ms Emmitt also suggested Deano had gone back to Derby. There was nothing in the information Ms Emmitt provided to them at that time to suggest that the Subaru had broken down and Deano was on his own in the bush.⁶⁰
69. The police officers eventually decided to convey Ms Emmitt back to the Derby Police Station as they were not making any progress. They arrived at the station at 3.42 pm and Ms Emmitt was lodged into the lock-up. Detective Wilkins and Detective Sergeant Gerard Mungall assessed Ms Emmitt and determined she was unfit to participate in an interview at that stage due to fatigue and what appeared to be the effects of drugs. Ms Emmitt was placed into a cell and allowed an opportunity to eat and sleep before an interview was conducted.⁶¹
70. Orders were obtained to extend Ms Emmitt's time in custody so that she could have that opportunity to sleep before being interviewed. At this stage, police still did not have any cause to be concerned for Deano's welfare. Detective Mungall indicated they had information from the bus driver, who had given Ms Emmitt a lift to Willare, that she had told him that she and Deano had an argument and Deano then began hitchhiking back to Derby. There was evidence it was not unusual for people to break down along the highway and be given a lift back to town.⁶² Although the police were unsure exactly where he was, the general belief was that Deano had probably made it back to Derby by then and was actively evading police. They were aware Deano was more 'bush savvy' than Ms Emmitt and assumed if she had made it safely to Willare, he would have had no difficulty making it to Derby.⁶³ Alternatively, it was thought possible he still had the car and had gone to Fitzroy Crossing or Broome.⁶⁴

⁵⁸ T 57 – 58, 90 - 91.

⁵⁹ Exhibit 1, Tab 7, Police Report, p. 10 and Tab 9, IAU Report, pp. 12 – 13.

⁶⁰ T 58 – 59; Exhibit 1, Tab 9, IAU Report and Tab 14 – Jessica Emmitt.

⁶¹ T 70; Exhibit 1, Tab 9, IAU Report, pp. 13, 18 - 19.

⁶² T 78.

⁶³ T 32 - 33.

⁶⁴ T 53, 70; Exhibit 1, Tab 9, IAU Report, p. 21.

THE SEARCH

71. At 5.00 am on 4 December 2018, Detective Wilkins and First Class Constable Ward returned to duty in order to interview Ms Emmitt. Detective Mungall also indicated it was important for Ms Emmitt to be interviewed early as the Magistrate's Order allowing her to be detained ran out at about 10.00 am.⁶⁵
72. The interview commenced at 5.22 am and ran for 58 minutes, finishing at 6.20 am. The police were hoping to obtain information about Ms Emmitt's involvement in the offences and, if possible, to find out where Deano and the stolen Subaru were located.⁶⁶
73. During the interview, Ms Emmitt made admissions to being a passenger in the stolen Subaru with Deano and travelling into the bush with him in the stolen car before abandoning the car. She initially continued her story that Deano had walked back to Derby, but then she started to give a different account. She explained that Deano had been leading the way through the bush but he had become increasingly affected by drugs and she had lost confidence that he knew where he was going. He also started to scare her with his behaviour, so she decided to leave him. Ms Emmitt then advised the police she had last seen him in bushland south of the Curtin RAAF air base and she believed he was still in the bush. She told the interviewing police officers she did not tell them Deano's whereabouts earlier, and lied about him walking into Derby, as she had not wanted to get Deano into trouble. This was the first time the police were aware that there was a risk to Deano's welfare.⁶⁷
74. Detective Wilkins continued with the interview, as planned, but as he mulled the information over he became increasingly concerned that Deano might be in trouble. Accordingly, he wound up the interview and as soon as he had finished, he went and spoke to Senior Sergeant Miller and said, "We need to do a land SAR."⁶⁸ He then rang Detective Mungall at home to advise that a search was about to be commenced.
75. Senior Sergeant Miller took immediate steps to initiate a land search and rescue for Deano under the auspices of the *Emergency Management Act 2005 (WA)*. Senior Constable Pilgrim was the designated land search and rescue (LANDSAR) incident controller as he had the appropriate LANDSAR search qualifications, and Detective Sergeant Mungall was designated the forward field commander.⁶⁹
76. Detective Sergeant Mungall gave evidence the "actual bushland area is massive" and very dense in places, so it was immediately obvious that it was going to be a difficult search. Ms Emmitt was interviewed again at length, this time by Detective Sergeant Mungall, in order to establish the search area and identify the best location to concentrate resources in the hope of finding Deano quickly. He recalled Ms Emmitt was cooperative but still very vague and kept changing her version of what occurred. She indicated they had turned down a dirt track at the RAAF base but then said they

⁶⁵ T 70.

⁶⁶ T 32 - 33.

⁶⁷ T 33; Exhibit 1, Tab 7, Police Report, p. 11 and Tab 9, IAU Report.

⁶⁸ T 34.

⁶⁹ Exhibit 1, Tab 7, Police Report, pp. 11 - 12.

went back to the RAAF base and later indicated they had returned to the road, before changing her mind again. She was shown aerial maps to try to get a more precise search area by getting her to show them on the maps where she believed they went. It seemed from using the maps that the area she described as the RAAF base was actually the former detention centre. Detective Mungall was aware there was still housing at the centre, and she mentioned going into a house, so the police decided to focus on that area as a starting point. After she was bailed, Ms Emmitt also agreed to accompany police officers back out to the area to see if that would assist her memory.⁷⁰

77. Senior Constable Pilgrim noted that the information provided by Ms Emmitt suggested that Deano was probably still out in the bush near the RAAF base, on foot, with no food and water and in a disoriented state. Knowing he was unlikely to have food and water, the urgency of the search increased.⁷¹
78. At about 9.15 am a briefing was conducted at Derby Police Station and officers were then deployed into the field to begin the search. Police and other local resources were drawn upon to help in the search, noting that Derby is remote and has limited police resources. Police Air Wing in conjunction with Broome Aviation were asked to assist with providing search capacity from the air, and some local ranch owners also flew their own private helicopters. Local police in Broome and Derby were tasked to attend local addresses in the Broome and Derby area and speak to family to check that Deano had not returned to one of those locations in the meantime. The RAAF air base staff were notified that police would be in the vicinity of the base conducting a search for Deano. The RAAF staff began to search the base and surrounds for any sign of Deano and later police attended and also searched the buildings for any sign of Deano. The RAAF staff also loaned all terrain vehicles to help the police in the search.⁷²
79. Detective Mungall gave evidence they searched every donga at the detention centre, which was about 400 buildings in total, but it did not take long and there was no sign of Deano. They also searched the nearby airport, with the help of the RAAF staff, but found no sign that Deano had been there. However, the gates at the front had been forced open, which corroborated Ms Emmitt's account to some degree. Therefore, they continued to search in that area along dirt tracks, following her account of driving along a track, keeping an eye out for any footprints or anything to indicate Deano had walked along a track. They were hoping to find the stolen Subaru, as that would give them a base point to work from, but there was no sign of the car.⁷³
80. First Class Constable Ward and another officer took Ms Emmitt out as part of the search and tried to retrace her steps in an effort to see if Ms Emmitt could recognise where she had gone with Deano. Constable Ward had already prepared a statement with Ms Emmitt before they left to attend the search. He noted Ms Emmitt was more lucid than the day before and he believed she was genuinely trying to assist, but was

⁷⁰ T 71 - 73; Exhibit 1, Tab 9, p. 21.

⁷¹ T 106; Exhibit 1, Tab 8, Search Report.

⁷² T 106 – 107; Exhibit 1, Tab 7, Police Report, pp. 11 – 12 and Tab 8, Search Report and Tab 47 – Report – Senior Constable Webb.

⁷³ T 72 – 73, 76.

quite confused about where they had gone. Later in the day, she said something about a sign that said “250,” so they headed out onto the highway and came across an animal warning sign with an indication to keep a lookout for the “Next 215 km.” Ms Emmitt indicated she recognised that sign as being present when she made her way out of the bush onto the highway. It was not far from where the police had taken her the day before near the Fitzroy Crossing turnoff. This suggested they were generally looking in the right area. The police officers remained out searching the area with Ms Emmitt until word came through that Deano had been found.⁷⁴

81. After broadening the search area, and utilising personal drones that were available and information Ms Emmitt had given about the type of terrain she recalled, at about 1.30 pm that day Deano was located in a bush clearing. He was approximately one kilometre south of the intersection of Great Northern Highway and the Fitzroy Crossing turnoff and about 300 metres into the bush from the highway itself. He was found by three police officers, including Detective Sergeant Mungall and Detective Wilkins.⁷⁵
82. Detective Wilkins gave evidence that Deano was found in the last quarter of a large square search area, the other three sections having already been completed and the search winding up by this stage. Using his drone, Detective Wilkins had identified three burnt out cars in that part of the search area, and they investigated each of the cars, although none of them were the missing Subaru. Detective Sergeant Mungall and Senior Constable Webb were looking at a final dirt track as the search wound up for the day when they saw Deano in a clearing, about 300 metres from the Great Northern Highway that leads to Fitzroy Crossing. The location was further south than the area they had originally focussed on, but was still in the general search area.⁷⁶
83. Deano was lying on his back in the full sun and was dressed only in a pair of red and black shorts. Detective Wilkins described Deano as appearing to be lying “in a restful state, with one knee up.”⁷⁷ The position of his body suggested he had assumed that position to rest before he died. Detective Wilkins and Detective Mungall pointed to the fact that Deano was lying in a clearing with no shade. This would be very unusual in the heat of the day in Derby, but was consistent with Deano having laid down or collapsed in that position at night in the dark.⁷⁸
84. Deano did not appear to have any substantial injury to his body but he clearly showed no signs of life. It appeared to Detective Mungall and Detective Wilkins that Deano had been deceased for some time.⁷⁹ Some of the clear signs Deano had been deceased for some time included:⁸⁰
 - the presence of rigor mortis and livor mortis,

⁷⁴ T 93 – 95; Exhibit 1, Tab 9, IAU Report pp. 19 – 20.

⁷⁵ T 36.

⁷⁶ T 36.

⁷⁷ T 36.

⁷⁸ T 38 – 39, 74 - 75.

⁷⁹ T 74.

⁸⁰ T 36 – 38, 74 - 75; Exhibit 1, Tab 8, Search Report, Tab 44 – Report – Det Sgt Mungall and Tab 47 – Report – Senior Constable Webb and Tab 48 – Report – Det 1/C Constable Wilkins.

- signs of early decomposition with some insects already present, and
- his eyes were open but were very significantly dried out.

Detective Wilkins estimated Deano had been dead for more than a few hours at the time they found him. Senior Constable Brindle formed a similar view, also pointing to lividity and the presence of insects.⁸¹

85. When Ms Emmitt was informed by police that Deano's body had been found, while she was still out in the car with the police searching for him, she burst into tears and appeared very distressed at the news.⁸²
86. A scene examination was conducted by Detective Sergeant Mungall and First Class Constable Munro and the scene was photographed. Deano was then conveyed to the hospital and his body was identified by a relative and his death was formally confirmed by a doctor.⁸³

CAUSE OF DEATH

87. Forensic pathologist Dr White and trainee Forensic Pathologist Dr Vagaja conducted a post mortem examination on Deano's body on 10 December 2018. The post mortem examination revealed a man of slender build, with drying of the skin and internal tissues in the context of signs of early decompositional changes (noting the examination was conducted several days after his body was discovered). There were scattered superficial soft tissue injuries, mostly scratches (abrasions) on the limbs and the torso. There was an abnormal origin of one of the arteries which supply the heart muscle (right coronary artery); the heart was otherwise unremarkable. The forensic pathologists found no significant injuries or evidence of natural disease otherwise.⁸⁴
88. Toxicology analysis of the blood demonstrated the presence of methylamphetamine and amphetamine, in addition to a common antibiotic (Trimethoprim), which was likely related to his infected arm. A low level of alcohol was present, but this was likely the result of decomposition rather than a sign that Deano had consumed alcohol. This is consistent with advice from Deano's mother that he did not normally drink alcohol.⁸⁵
89. After excluding any natural disease or significant injury as the cause of death, and taking into account the known circumstances surrounding Deano's death and where he was found, the forensic pathologists formed the opinion that Deano's death was consistent with environmental exposure in a man with methylamphetamine effect.⁸⁶

⁸¹ T 38, 63.

⁸² T 95; Exhibit 1, Tb 49 – Report – First Class Constable Jodie Parker.

⁸³ Exhibit 1, Tab 7, Police Report, p. 11.

⁸⁴ Exhibit 1, Tab 4, Supplementary Post Mortem Report.

⁸⁵ T 99; Exhibit 1, Tab 4, Supplementary Post Mortem Report.

⁸⁶ T 100; Exhibit 1, Tab 4, Supplementary Post Mortem Report.

90. Dr White explained at the inquest that environmental exposure relates to prolonged exposure to the elements, and deaths in such circumstances are usually seen in association with very high temperatures or very low temperatures.⁸⁷ Weather information confirmed it had been very hot in Derby at the relevant time.
91. Dr White also concluded the methylamphetamine consumed by Deano contributed to his death by increasing his own body temperature. Dr White explained that methylamphetamine is a stimulant drug that can lead to restlessness, agitation and overactivity, which can increase body temperature. It also causes vasoconstriction of the vessels of the skin, so the person is unable to sweat properly, which prevents the person from cooling their body naturally in this way. Further, it also elevates the heart rate and blood pressure, which can affect the way the body responds to high heat in the environment.⁸⁸
92. Dr White also noted that chronic use of methylamphetamine can lead to changes in the heart, kidney and liver that can predispose people to be more vulnerable in these kinds of situations, as compared to someone who is not a drug user. Deano was known to be a regular methylamphetamine user, although it is not clear if he had developed these types of chronic changes yet.⁸⁹
93. Dr White was unable to give a conclusive opinion on when Deano died. She explained that due to the extreme dry heat and direct exposure to heat through being on the hot ground, early decomposition changes were accelerated and the tissues were very dried out and thickened. There was then the effect of the coolroom, as the skin automatically becomes drier in cold temperatures as well. However, within those limitations, Dr White expressed the opinion that Deano had likely been dead for at least several hours, and possibly even late the previous day. This was generally consistent with the evidence of the police officers who found Deano, although they believed it might have been a bit longer again. I note they had the advantage of being able to see the body at a much earlier time than Dr White, in situ.⁹⁰
94. Dr White was asked whether Deano's erratic behaviour, as described by Ms Emmitt, was consistent with the effects of methylamphetamine or dehydration from environmental exposure. Dr White expressed the opinion it was likely to be a combination of both, as people can become confused and hallucinate when dehydrated, but it is also a known effect of methylamphetamine intoxication that people can become "agitated all the way through to psychotic."⁹¹ In either case, he would be less likely to be able to protect himself from environmental factors and to use his knowledge of bushcraft to save himself, and this would only get worse as his symptoms progressed.⁹²

⁸⁷ T 97 -98.

⁸⁸ T 97 -98.

⁸⁹ T 98.

⁹⁰ T 98 - 99.

⁹¹ T 101.

⁹² T 101.

95. I accept and adopt Dr White and Dr Vagaja’s opinion as to the cause of death, although I have omitted the words “consistent with” as I am satisfied of the cause of death in the context of all the additional evidence available to me.

INVOLVEMENT OF ANY PERSON IN THE DEATH

96. As part of the police investigation into the circumstances of Deano’s death, police gave consideration to whether any criminal charges might be laid relating to Ms Emmitt’s involvement in the death, given she left him in the bush and did not immediately report to anyone that he was missing.⁹³
97. Specific consideration was given to whether Ms Emmitt could be charged with an offence under section 262 of the Criminal Code, namely failing in a duty to provide the necessaries of life. It was determined that Ms Emmitt did not have charge of Deano in a way that would have caused that duty to arise, and there was no basis for laying a charge under that section.⁹⁴
98. Similarly, a charge under s 304 of the Criminal Code, involving doing an act or an omission causing bodily harm or endangering the life, health or safety of a person, was considered and it was concluded there was no evidence to support such a charge against Ms Emmitt.⁹⁵
99. Sergeant Bradley Davey, the investigating officer, understood that Deano’s family felt quite strongly that Ms Emmitt was responsible for Deano’s death, by not helping him to get out of the bush or, alternatively seeking help for him at an early stage when she was able to make her way out.⁹⁶ However, whilst some might question the moral correctness of Ms Emmitt’s behaviour, it did not amount to criminal behaviour.⁹⁷
100. Ms Emmitt provided a statement to police sometime after Deano’s death and indicated she was very upset that he had died and she had experienced some backlash from his family and friends since that time, as they held her partly responsible for his death. She had reflected on the events and commented in her statement that there was nothing she could do to help Deano in the bush at the time as she could not talk sense into him, and she did not think she could have done anything more to get him to come with her. She confirmed again that she didn’t initially tell police where Deano was as she wanted to protect him from getting into trouble.⁹⁸
101. During the police investigation, Deano’s family also raised concerns that they had heard rumours his death may not have been accidental. There was a suggestion he might have been given a ‘hot shot’ in retribution for stealing drugs from another person. The investigation officer, Sergeant Davey, spoke to the person whose name

⁹³ Exhibit 1, Tab 7, Police Report, p. 13.

⁹⁴ Exhibit 1, Tab 7, Police Report, p. 13.

⁹⁵ Exhibit 1, Tab 7, Police Report, p. 13.

⁹⁶ T 84.

⁹⁷ Exhibit 1, Tab 7, Police Report, p. 13.

⁹⁸ Exhibit 1, Tab 16, Statement – Jessica Emmitt.

had been mentioned and the person adamantly denied any involvement in Deano's death. Sergeant Davey found no other evidence to corroborate this allegation.⁹⁹

102. Sergeant Davey understood some of the family's concern was that Deano was a local Indigenous man who had been brought up in the bush and had done a lot of bushcraft, so they found it hard to understand why he was unable to get out of the bush when Ms Emmitt, who had no bushcraft, was able to find her way out.¹⁰⁰
103. Detective Mungall noted that where Deano was found was only a few hundred metres from the highway and if Deano had been alive and in a fit mental state, he would have been able to see the lights of vehicles on the highway from where he was found, but he made no effort to go to the highway and seek help. This is what Ms Emmitt was able to do, as she was apparently less adversely affected by drugs than Deano. Noting Dr White's evidence about the effects of dehydration and methylamphetamine intoxication, it appears that Deano was affected by a combination of both to the extent he was, sadly, unable to seek help or make use of his bushcraft skills.¹⁰¹

INTERNAL AFFAIRS UNIT INVESTIGATION

104. The WA Police Internal Affairs Unit (IAU) conducted an investigation into the police conduct in this matter, given there was indirectly related interaction with the police. Sergeant Alan Becker was the lead IAU investigator. Sergeant Becker provided a report to this Court to assist in considering whether the police officers' conduct could be said to have caused or contributed to the death in the relevant sense.
105. There were two aspects to the WA Police involvement in Deano's death. The first was the attempt to intercept Deano in Derby and then following him out onto the Great Northern Highway, where he had successfully evaded them. The second was in relation to any possible delay in initiating a search for Deano after he went missing.
106. A number of the police officers involved were interviewed by IAU staff to investigate these issues further. It was noted that the police were unaware that Deano was alone in the bush and might be in danger until Ms Emmitt disclosed to them his whereabouts during her interview on the morning of 4 December 2018.¹⁰² When information was provided to indicate that Deano's safety might be at risk, it was felt the police officers acted promptly and took appropriate steps to initiate a search for him. Although there was an opportunity to suspend the interview with Ms Emmitt and inform the officer in charge earlier, Sergeant Becker concluded it was not unreasonable to finish the interview and then take appropriate steps to request a search immediately afterwards.¹⁰³

⁹⁹ T 84 - 85.

¹⁰⁰ T 83 - 84.

¹⁰¹ T 78/

¹⁰² Exhibit 1, Tab 9, IAU Report.

¹⁰³ T 112 - 114.

107. I note the interviewing officers continued for a total of 24 minutes more before ending the interview and immediately informing the OIC that a search for Deano needed to be commenced. Detective Wilkins accepted in his evidence at the inquest that he had tunnel vision in terms of completing the interview at first, but as he started to realise the importance of the information Ms Emmitt had just provided, he tried to finish the interview off quickly. As soon as the interview was concluded, he went to his Senior Sergeant Miller's office to report his concerns and request a land search be commenced for Deano, based upon what he'd just learned about where and how Ms Emmitt had left him. Detective Wilkins accepted in hindsight that it would have been open to him to suspend the interview to do that task, but it simply didn't occur to him at the time. He indicated that he had learnt from this case and in a similar event in the future, he would look for an opportunity to stop the interview earlier, to communicate important information like this.¹⁰⁴ Given the maximum time lost was 24 minutes, I am satisfied that short period of time would not have made any difference to the outcome in this case.¹⁰⁵
108. The only identified police behaviour that was found to substantiate any kind of management issue by the IAU related to Senior Constable Turner's driving in ED103 out on the Gibb River Road. Senior Constable Turner's account of accelerating to try and intercept the Subaru that was well ahead of them, was substantiated in the ARL data from the car, which showed she travelled at speeds in excess of the speed limit. It was noted that she had not been given permission to drive in excess of the speed limit at that time. After ED103 sought permission to engage in an evade incident and the request was refused, Senior Constable Turner slowed her speed to the speed limit. It was concluded that she had breached the policy for a short period and verbal guidance was reinforced by way of an email and Letter of Corrective Advice, which Senior Constable Turner acknowledged and indicated she understood and accepted.¹⁰⁶ It was a very minor matter, and I make no adverse comment about Senior Constable Turner in relation to it.
109. No other breaches of policy were identified by the IAU investigation despite a number of police officers being involved. The IAU investigation found no evidence to suggest the police officers involved neglected their duty in any way by not looking for Deano earlier. The search, once initiated, was performed appropriately and effectively.

MANNER OF DEATH

110. Deano was last seen alive by Ms Emmitt sometime in the early hours of Monday, 2 December 2018. He was found deceased at 1.30 pm on Thursday, 4 December 2018. It was apparent he had died some considerable time before his body was discovered.
111. Detective Mungall gave evidence that, based upon what he had seen and what he knew, he personally believed that Deano was in a very bad way, and had probably

¹⁰⁴ T 34 – 35, 39.

¹⁰⁵ Exhibit 1, Tab 9, IAU Report.

¹⁰⁶ Exhibit 1, Tab 9, IAU Report and Tab 32 – Email Senior Constable Sarah Turner 13.6.2019.

died, by the time Ms Emmitt reached the highway, before she was even picked up by the bus driver on the morning of 3 December 2018. He agreed that it would have been better if Ms Emmitt had disclosed to the bus driver that she had left Deano in the bush somewhere, so that a search could have been commenced much earlier, but in Detective Sergeant Mungall's opinion it was unlikely to have altered the outcome in this case.¹⁰⁷

112. Detective Mungall gave evidence that, although the resources for a full-scale search in Derby are quite limited, and there are no police drones allocated to the station, he did not think that any additional staff or additional resources would have made a difference to the length of time it took to find Deano. He commented that they were "basically looking for a needle in a haystack,"¹⁰⁸ and it was only by good luck that they found him when they did. He noted they have never found the missing Subaru, despite further attempts to find it, and Sergeant Davey also gave evidence it is a mystery where the Subaru went as a number of additional searches had failed to locate it. Sergeant Davey had checked the police database the morning of the inquest, and there was still no record of it being located.¹⁰⁹
113. Sergeant Davey, who completed the coronial investigation report, agreed that the evidence supported the conclusion that Deano died quite some time before he was found. He also agreed that it was remarkable that Deano was found so quickly, given the vast search area and the resources available, and he did not believe having additional resources would have reduced the time it took to find him. He agreed that it appeared Deano died during the night after Ms Emmitt left him in the bush, before the sun rose for the day. Sergeant Davey concluded no other person was involved in Deano's death or could be held criminally responsible for his death.¹¹⁰
114. Senior Constable Pilgrim, who coordinated the search, gave evidence that the search for Deano was relatively short, in the context of the usual length of searches in such a remote locality. He agreed with the other police officers that it was only a stroke of luck that allowed them to find Deano so quickly. Sadly, it was too late to help him by that stage, but it appears that any opportunity to help him had long passed by the time the search even began.¹¹¹
115. I am satisfied, based upon all of the above, that Deano died from the combination of the environmental exposure and the effects of methylamphetamine after getting lost in the bush and becoming too dehydrated and intoxicated by drugs to protect himself or seek help. I find that death occurred by way of misadventure.

CONCLUSION

116. Deano was a young man who had grown up in the Kimberley. He was known to have bushcraft and many family and friends throughout the Kimberley, so the fact that he

¹⁰⁷ T 75 - 77.

¹⁰⁸ T 75.

¹⁰⁹ T 73 - 76, 85 - 86.

¹¹⁰ T 86 - 87.

¹¹¹ T 108 - 109.

died while lost in the bush has been hard for his family to understand. Hopefully, through this finding, they may have a better understanding of the impact of the combination of drugs and the harsh environment on Deano, which made him unable to look after himself on this fateful occasion.

117. The primary purpose of this inquest was also to consider the conduct of the police. As I have indicated above, I am satisfied that no member of the WA Police caused or contributed to Deano's death.

S H Linton
Deputy State Coroner
23 July 2021