

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 3687/10

Inquest into the Death of TERRI ELIZABETH MUSGRAVE

Delivered On: 28th October, 2011

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: 28th October, 2011

Findings of: CORONER JOHN OLLE

Place of death: 28 O'Keefe Street, Preston, Victoria 3072

Police Coronial
Support Unit (PCSU): Leading Senior Constable Amanda Maybury

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

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Court reference: 3687/10

In the Coroners Court of Victoria at Melbourne

I, JOHN OLLE, Coroner

having investigated the death of:

Details of deceased:

Surname: MUSGRAVE
First name: TERRI
Address: 32 Ruby Street, Preston, Victoria 3072

AND having held an inquest in relation to this death on 28th October, 2011
at Melbourne

find that the identity of the deceased was TERRI ELIZABETH MUSGRAVE
and death occurred on 24th September, 2010

at 28 O'Keefe Street, Preston, Victoria 3072

from

1a. TOXICITY TO HEROIN

in the following circumstances:

1. Terri Elizabeth (Sandy) Musgrave was aged 51 years at the time of her death. She lived at 32 Ruby Street, Preston.
2. The coronial brief is comprehensive and has fully addressed the circumstances of death of Ms Musgrave.

Background

3. Ms Musgrave was a long term user of illicit drugs. She lived in a de facto relationship with Gordon Yelland. Throughout the course of their relationship Mr Yelland encouraged Ms Musgrave to cease use of illicit drugs.

Domestic violence incident

4. On Wednesday, 22nd September 2010, at approximately 12.20am, operational police members attended Ms Musgrave's address in response to a family violence incident. Ms Musgrave had allegedly threatened Mr Yelland with a knife. A knife was located in the bedroom of the home and removed.
5. Ms Musgrave was taken into police custody. She was permitted to gather her personal belongings (including prescription medication) and conveyed to the Heidelberg Police Station.
6. At approximately 1.00am, she was lodged into police cells due to her intoxicated state. Shortly prior to 3.00am, Ms Musgrave was issued with a Family Violence Safety Notice and released from police custody. She remained at the station whilst crisis accommodation was arranged on her behalf.
7. At about 4.30am, police conveyed Ms Musgrave to the Maroondah Motor Inn. A motel staff member met Ms Musgrave on arrival. Police had no further contact with her.
8. Late on the evening of the 23rd September 2010, police returned to the Ruby Street address to serve a "protected person copy" of the Family Violence Safety Order on Mr Yelland. It was apparent Ms Musgrave had returned to the address. Police informed Mr Yelland that pursuant to the order, Ms Musgrave was not to attend the address until the proceeding was heard the following day in court.
9. Mr Yelland advised police he did not want to press criminal charges against Ms Musgrave in relation to the knife threat.
10. Pursuant to Victoria Police regulations,¹ the Ethical Standards Department (ESD) has reviewed the role of investigating police.
11. ESD concluded the investigation of the family violence incident, and dealings with Ms Musgrave were appropriate and respectful.
12. I concur. Ms Musgrave was treated with respect. She remained in police custody for no longer than required. Police arranged crisis accommodation on her behalf. Further, police transported Ms Musgrave to her emergency accommodation.

¹ Required in circumstances in which operational police members have contact with a deceased person in a proximate period the death.

Personal circumstances

13. The summary read into evidence today has accurately set out the difficult circumstances of Ms Musgrave's life.
14. She commenced illicit drug use as a teenager. Her subsequent addiction shaped and adversely affected the remainder of her life. Each of her four children were fostered out of her care. She would only have periodic contact with them.
15. Ms Musgrave's drug addiction included prescription medications.²

The relationship

16. Mr Yelland was aware and deeply concerned about Ms Musgrave's drug addiction. He reported a recent drug overdose which he thought led to hospital admission. A claim police were unable to substantiate. Nonetheless, I acknowledge the efforts of Mr Yelland to combat Ms Musgrave's addiction. The circumstances of her death occurred despite his best efforts.

Circumstances

17. Mr Yelland located Ms Musgrave in the doorway of a vacant nearby property. He called "000" and attempted CPR, but Ms Musgrave could not be resuscitated. It appeared Ms Musgrave had been deceased for some hours.
18. Drug paraphernalia were located next to Ms Musgrave. Her bag containing prescription medication in her name and intravenous needles and alcohol swabs were also located.

Conclusion

19. Police treated Ms Musgrave with professional respect and courtesy. The role of police played no role in the sad circumstances of death of Ms Musgrave.
21. No person other than Ms Musgrave is responsible for her death. I am unable to find her overdose was intentional.

² In an unrelated investigation, I am exploring the potential benefits of real time prescription monitoring. This is not an issue I wish to pursue in this investigation.

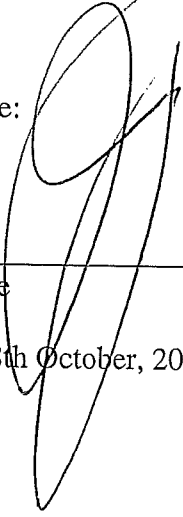
Post Mortem Medical Investigation

22. On the 30th September 2010, Dr Michael Burke, Forensic Pathologist with the Victorian Institute of Forensic Medicine, performed an autopsy on the body Terri Elizabeth Musgrave.
23. Dr Burke found the cause of death to be toxicity to heroin.
24. Post mortem toxicology examination supported Dr Burke's finding.

Finding

I find the cause of death of Terri Elizabeth Musgrave to be toxicity to heroin in circumstances in which she overdosed. I am unable to find the overdose was intentional.

Signature:



John Olle
Coroner
Date: 28th October, 2011