

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 5542/08

Inquest into the death of TYLER CASSIDY
Outline of proposed scope for Directions Hearing 9 April 2010

No.	Issue
1.	<p>Brief history and background of Tyler Cassidy</p> <ul style="list-style-type: none"> (a) Tyler's school/behavioural history (b) Tyler's general mental and emotional condition as at 11.12.2008
2.	<p>Tyler's behaviour/actions and evidence of his state of mind on 11.12.08:</p> <ul style="list-style-type: none"> (a) the earlier part of the day in and around Diamond Creek (b) the train trip to Alphington and Alphington train station (c) the bus trip from Alphington to home (d) when Tyler arrived at home (e) when Tyler left home for Northcote Plaza.
3.	<p>Tyler's behaviour/actions on the way to and inside Northcote Plaza</p>
4.	<p>Calls to 000 and radio communications with Police members by Tyler, members of the public, Tyler's family and Police responses to these calls.</p>
5.	<p>In and around Northcote Plaza:</p> <ul style="list-style-type: none"> (a) What happened at Northcote Plaza (prior to police arriving) <ul style="list-style-type: none"> • Kmart • Liquor land • Interaction with others witnesses at Northcote Plaza
6.	<p>ESTA and Police response to the incident</p> <ul style="list-style-type: none"> (a) Categorisation of the incident by ESTA (b) Communication of that categorisation to Victoria Police (c) Who was in police command of the incident?

	<p>(d) What was the proposed police response to the 000 reports?</p> <p>(e) What information/reports did Police have at the time at which Northcote Police Unit 303 arrived at Northcote Plaza?</p> <p>(f) How was information communicated to Police members attending scene?</p>
7.	<p>All Nations Skate Park</p> <p>(a) Police Response NC303 and P303</p> <ul style="list-style-type: none"> • Initial confrontation with Tyler in the car park • Confrontation with Tyler in the skate park • What was known by Police • What Police could reasonably have known or ought to have known • Actions taken by Police members and options available. <p>(b) Police response by other members (including other members from Northcote Police Station)</p>
8.	<p>Events subsequent to the shooting</p> <p>(a) Interaction with Tyler's family</p> <p>(b) Maintaining the scene (entry into the scene)</p> <p>(c) Media /police interaction</p>
9.	<p>Police procedures and member training</p> <p>(a) Responding to ESTA notification of a call of "man with knives" in public place</p> <p>(b) Nature and quality of guidelines/protocols/directives for members</p> <p>(c) Command and control structure for this incident</p> <p>(d) Nature and quality of training</p>
10.	<p>Independence and quality of the investigation.</p>

MEDIA PROTOCOLS FOR INCIDENTS INVOLVING POLICE & THE CORONER

The following are guidelines for the release of information to the media following the death of a person/s involving police, which is subject to a coronial investigation.

These matters include:

- Police shootings where a person/s is shot dead by police
- A police member who is killed as a result of a criminal action or an accident.
- A police pursuit where a person/s dies
- A police pursuit where a member/s dies.
- An incident where a person dies in police custody

It must be remembered that Victoria Police act on behalf of the Coroner when investigating incidents that are subject to a coronial enquiry. Therefore it is imperative that any comment released to the media must be made in consultation with the Coroner's Office.

Media Notification

Issues listed above have the potential to attract intense media interest and speculation. It is imperative to have a proper media strategy. The following instructions should be adhered to.

- The Media Director/Deputy Media Director should be notified immediately
- No members should comment to the media unless they are the senior officer authorised to be the spokesperson.

Planning Release of Information to the Media

- If there is intense media interest, and a need to manage media enquiries the Media Director/Deputy Media Director will be authorized to release a brief statement, after confirmation from the scene, that there has been an incident e.g. *there has been a police shooting where a man has died*. At that stage no more details should be released.
- The Media Director/Deputy Media Director will liaise with Command to ascertain the appropriate spokesperson.

- The Media Director/Deputy Media Director will liaise with the officer-in-charge of the investigating team, along with the Ethical Standards Department and the nominated spokesperson to develop an appropriate media response.
- If the Coroner or his representative attends at the scene they will be invited to be part of the consultation team.
- If the Coroner plans not to attend or is delayed, the Coroner or his representative should be notified by phone of the proposed media response.

Police Spokesperson

- The police spokesperson must be an independent senior officer (preferably an Assistant Commissioner or a Commander).
- It must not be any member involved in the incident
- It must not be any member of the investigating team. This includes the Homicide Squad, Major Collision Unit or the Ethical Standards Department.

Release Information to the Media

- All media interviews should be qualified by using some of the following terms:
 - Preliminary investigations indicate....
 - It is still early stages
 - We have to interview a number of people yet to ascertain the circumstances surrounding the incident
 - It's a little premature for us to be speculating at this stage
- The following phrase **must** always be used. *"The Homicide Squad/Major Collision Squad is investigating the incident on behalf of the Coroner. It is up to the Coroner to determine the circumstances surrounding the death"*
- When releasing information to the media it is important not to go into details about the specific action that has led to a person's death. Background details involving the environment in which police were working, can be released, if previously approved. E.g. *Police were called to a violent domestic in Blackburn where there was a report of a man in the street armed with a knife.*

Subsequent Media Releases

- It is advisable that only one media conference be conducted. If there is a demand to correct inaccuracies or public outrage then the Coroner should be consulted, and a decision made accordingly.
- At no stage should a person's prior convictions be released, unless authorised by the Coroner.

Major Incidents Not Involving Police

- Incidents involving multi deaths such as natural disasters, major accidents and criminal activities: the Coroner should be consulted prior to any detailed media comments being released. Confirmation that deaths have occurred due to a particular incident can be released.
- Incidents at public events, or at locations that attract intense media interest and are the subject to a coronial investigation: the Coroner must be consulted prior to any comments being released.
- Victoria Police, who are acting on behalf of the Coroner, must not do joint media conferences or releases, with any other agencies or organizations involved in the coronial enquiry.
- No other emergency services should release detailed information about the incident without the prior consultation of Victoria Police Investigators/Coroner.

Media at Scenes

- Victoria Police policy is not to allow the media or the public into a crime or accident scene to prevent contamination of the area and, in some instances for safety reasons.
- The Coroner may also ask for an exclusion zone, which will be implemented by Victoria Police.

Kevin Loomes
Deputy Media Director



Coroners Court of Victoria

Practice Direction 8 of 2011

Opening inquests into "police contact" deaths

Background

This practice direction is issued in circumstances where a death occurs as a result of "police contact" mandating the holding of an inquest. In order to fulfil their statutory obligations under the *Coroners Act 2008* ("the Act"), coroners need to have regard, amongst other factors, to the objectives under sections 8 and 9 of the Act when investigating such a death.

Application

Given the role that members of Victoria Police perform as investigators for the coroner in reportable deaths, where the death has, prima facie, potentially occurred:

- (a) as a result of police actions;
- (b) in police presence;
- (c) either in or potentially connected to police care, custody or control; and
- (d) in the course of police attempting to take the deceased person into custody or from injuries which may have been sustained whilst police were attempting to take the deceased into custody

unless the investigating coroner otherwise orders, a Directions Hearing will be held within 14 days of the death being reported to the coroner. The purpose of the Directions Hearing is to:

- i) confirm the investigating member for the coroner;
- ii) fix the date for the delivery of the inquest brief to the coroner; and
- iii) any other directions considered appropriate at that time touching upon the investigation.

To enable the above to take effect, the following direction is made:

- (a) The Practice Direction takes effect on 10 October 2011
- (b) This Practice Direction is made pursuant to section 107 of the *Coroners Act 2008*.


Judge Jennifer Coate
State Coroner
30 September 2011