



CORONERS COURT

NEW SOUTH WALES

Inquest:	Inquest into the death of AC
Hearing dates:	4 & 5 August 2015
Date of findings:	5 August 2015
PLAC e of findings:	Gundagai Courthouse
Findings of:	Deputy State Coroner HCB Dillon
Catchwords:	CORONERS – Cause and manner of death – Death in a police operation – Electrocution and multiple injuries caused by fall from power transmission tower
File number:	2014/88509

Representation:	<p>Mr P Aitken (Counsel Assisting) instructed by Ms L Molloy (Crown Solicitor's Office)</p> <p>Mr R Hood instructed by Mr S Robinson (NSW Police)</p> <p>Mr Byrnes instructed by (Transgrid)</p>
Findings:	<p>I find that AC died on 23 March 2014 on or near Transgrid Electricity Tower 625 near the intersection of Tasman and Copland Sts, Wagga Wagga New South Wales due to electrocution and multiple injuries he suffered when struck by arcing of electricity from a high voltage line on the tower which he had climbed and from which he fell after being struck. This occurred in the course of a police operation, namely a traffic law enforcement stop.</p>

Recommendations:

I make the following recommendations to the Minister and Commissioner for Police:

- i. That the Standard Operating Procedures for Police radio operators concerning notification and contact with electricity companies be amended to insert a list the following power companies: Ausgrid, Endeavour, Essential and Transgrid;
- ii. That the Standard Operating Procedures also be amended to instruct radio operators getting in touch with power companies concerning lines down or other electricity jobs that the power companies require:
 - The exact location of the tower or pole;
 - The identifying numbers of the tower and power lines (to be obtained from notices on the tower or pole); and
 - Whether the wires were previously strung between two poles or towers (pole to pole) or between a pole/tower and building.
- iii. That the drop-down “Resources Menu” used by police radio operators be amended to include the contact details or shortcut telephone numbers of the following electricity companies: Ausgrid; Essential; Endeavour and Transgrid.

I make the following recommendation to the Chief Executive Officer of Transgrid:

That to expedite verification of incoming calls from police or emergency services concerning lines down or other emergencies requiring de-energisation of power lines, Transgrid consider, if it is reasonably practicable, implementing an automatic incoming call identification system for those services.

NOTE:

NON-PUBLICATION ORDERS HAVE BEEN MADE PROHIBITING PUBLICATION OF IDENTIFYING DETAILS OF AC AND HIS RELATIVES,; THE POLICE IN CAR VIDEO OF THE INCIDENT AND SOME PHOTOGRAPHS. PLEASE CHECK WITH CORONERS COURT REGISTRY FOR FURTHER DETAILS

REASONS FOR DECISION

Introduction

1. This is an inquest into the death of AC. who died during the course of a police operation, a routine traffic law enforcement stop in Wagga Wagga on 23 March 2014. Because his death occurred in the course of a police operation, the Coroners Act requires that an inquest be held to enquire into the circumstances surrounding it.
2. AC died after falling from an electricity transmission tower in the early afternoon of Sunday, 23 March 2014. He had been pulled over by a local police officer after being detected speeding at more than 45 kph over the speed limit. When told by the police officer that his licence would be suspended and his car seized, he lost his temper, walked away from the officer and climbed up a high voltage power transmission tower. While standing on the tower, he was hit by high voltage electricity that arced from a power line above him and fell to the ground.

The coroner's functions and the nature of the inquest.

3. A coroner is obliged to make findings, if possible, as to the identity of the person who has died, the date and place of death, the cause of death and the manner or circumstances of death. In this case, it is the manner and circumstances of this very unfortunate death that raise the difficult questions. They are:
 - How did the incident occur?
 - Why did the incident occur?
 - Could AC's death have been prevented?
 - Are there any recommendations that ought be made?

AC's background

4. AC was a young man, only 30 when he died. His death was therefore not only sudden and shocking, but very premature. He was the middle child of three with an older brother BC and younger sister, JC. When AC was a very young age AC's father suffered a stroke and had to live in a nursing home. The family moved to

Wagga Wagga to be close to the father and has lived there ever since. In about 2000 AC's mother remarried, to Mr AR. During school, AC was a very talented gymnast.

5. In 2011 onwards AC obtained employment in a car detailing workshop and remained employed there for several years. In recent years he had been in a relationship with a young woman, SO, who was with him on the day of his death. AC according to newspaper reports, friends of AC, of whom there were apparently many, described him as an adventurous spirit with a sense of humour and quick wit who could make them laugh and who lived his life with passion. AC's death has been a terrible and tragic blow to his grieving family, his partner and all of his friends in the local community.
6. Despite descriptions of a happy-go-lucky young man, over the years, AC apparently suffered from what his sister described as depression and for which he had some help dealing with it, from a professional perspective, certainly from 2011 and possibly onwards. At one point his sister feared that he had become involved in drug use. After his death, he was found to have had a significant concentration of methylamphetamine in his system at the time of the incident. Before his death, he visited his mother and sister and appeared distressed. This raises a question of whether his death may have been a deliberate act of self-harm.
7. On Sunday 23 March 2014 SO and her sister SA were both present with AC in his car when he was pulled over by police and both were witnesses to his tragic death. SA described AC as having a happy personality who would always make them smile. AC had been working until a few weeks before his death and owned the car that he was driving that day. It is not entirely clear why or how AC had stopped working, but it seems that he was facing some pressures in his life around that time and subsequently. AC according to SO, however, that morning he had been in a good mood and had been to the car show at Wagga Wagga. The three of them were heading home after visiting friends.

How did the incident occur?

8. At about 12:35 PM, Highway Patrol officer Senior Constable Owen was carrying out duties in an unmarked Highway Patrol vehicle on Tasman Road East Wagga, doing stationary speed enforcement. He saw a white Commodore travelling towards him quickly and it was seen to be doing 100 km per hour in a 50 kilometre per hour zone. He followed the car and turned right into Copland Street, where the driver, AC, stopped the Commodore and was spoken to by Senior Constable Owen. The two women in the car advised that they needed to use a toilet urgently, which was why it had been speeding.

9. Officer Owen advised AC that he would be receiving a speeding infringement ticket and that his vehicle would also be seized and his licence suspended because the vehicle had been travelling more than 45 km per hour over the speed limit. This is a power available to police to exercise under the *Road Transport Act 2013*.
10. AC became very upset at the information that his car would be impounded and locked it and took a long neck of beer from the car. Senior Constable Owen announced that he was going to search the car and called AC back to unlock it. AC did so and then walked off towards Tasman Road. Officer Owen at this point radioed for assistance and then noticed that the two female passengers from the car were walking off behind AC in the direction of a transmission tower on the south-western corner of Tasman and Copland streets. He saw AC begin to climb the tower.
11. Senior Constable Owen radioed for an ambulance and told radio what was happening. SA witnessed AC tear his shirt on the barbed wire barricade as he climbed up the tower and take it off. Senior Constable Owen went to the base of the tower and tried to get some information about AC so that he could try and negotiate him down, as AC continued to climb. During this time the in-car video in the police car was running and recording what could be heard from outside the car.
12. Once up the tower, AC remained angry about the taking of his car and climbed to the first horizontal spar or arm high on the tower, where he stood and had a shouted exchange with the people down below. AC was saying things like he was “over it” and couldn't deal with life any more. Officer Owen suggested that he would go away if AC came down.
13. After a few minutes a second police officer arrived on the scene, HWP supervisor Senior Sgt Wayne McLachlan. That officer asked Owen to call off the tow truck as it would aggravate the situation and to stop someone on the ground filming. McLachlan spoke to the two women present to try and calm them down and began to try and negotiate with AC. AC was still upset about his car.
14. The in-car video in Senior Sgt McLachlan's car was also left running and recorded some of the exchange he had with AC, via a microphone on Senior Sgt McLachlan's shirt. While Senior Sgt McLachlan and AC were talking AC, who had his arms in the air, possibly waving them around, was hit by current arcing from the nearby wires and fell to the ground. Police restrained the two young women, who were deeply upset and in shock, from approaching AC, as they thought there was a danger of further electric shock. Senior Sgt McLachlan then checked AC for a pulse and thought that AC was deceased. More police and ambulance officers arrived and confirmed that to be the case.

15. During the incident, the whole of which took only 12 minutes, police radio was asked to arrange for Fire and Rescue to attend with a view to trying to help AC down from the tower and to contact the electricity company. A radio operator did try to contact an electricity company (in fact contacted two) but they were not the company who controlled this tower, Transgrid.

Why did the incident occur?

16. This is a more difficult question to answer. AC was certainly in an unstable frame of mind. He was certainly upset by the impounding of his car and the suspension of his licence but his reaction was extreme. It seems probable that his judgment was affected by having taken drugs. This may have contributed to him speeding in the first place.
17. It is a matter of common knowledge that methylamphetamines have the effect of causing users to become highly volatile in some situations.
18. AC's low mood, which he may have been trying to self-medicate with "ice", may also have contributed to his loss of judgment in this situation. Certainly his decision to climb the tower was impulsive and obviously dangerous. He was not deterred by warning signs on the tower nor by the anti-climbing barrier of six strands of barbed wire which tore his shirt as he forced his way through them.
19. He made various statements during the incident to the effect that he was sick of life and was "going to do [himself] in" that suggest possible suicidal intentions but which could equally have been expressions of anger, resentment of what he perceived to be his bad fortune or general exasperation. There is no evidence of previous suicide attempts or severe mental illness.
20. Before a finding of suicide will be made by a coroner, he or she must be satisfied to a high degree that it this was the probable manner of death. It is possible that AC climbed the tower with an impulsive intention of killing himself. Yet the evidence is ambiguous. He, of course, left no suicide note or history of previous attempts to self-harm or text messages or other indicia of a firm intention to take his own life. What exactly was in his mind at the time when he raised his arms and the electricity bolt hit him we do not and cannot know. Certainly he did not fall voluntarily from the tower and he was not tall enough to reach the power cable above his head.
21. For these reasons, I cannot be satisfied that AC's death was intentionally self-inflicted.
22. There was no AC t or omission on the part of the police officers or Transgrid that caused or contributed to causing AC's very unfortunate death.

23. Transgrid had complied with the relevant Australian Standards for protecting high voltage towers from being climbed by unauthorised persons. People in a rational state of mind, and most whose judgments had been affected, would readily be deterred from climbing high voltage electricity towers by the knowledge of the danger, the cautionary signs that warn of danger that are found on all such towers in good repair, and by the barbed wire barricades that surround the bases of the towers.
24. The police officers who were first present, Senior Constable Owen and Sen Sergeant McLachlan not only attempted to reason with AC and to talk him down from the tower but had the terrible experience of seeing him killed in front of them by electricity. They both showed genuine concern for AC before he was killed and sought to obtain more assistance for him. In no way did they fail in their duties as police officers. On the contrary, their concern and professionalism was exemplary.

Could AC's death have been prevented?

25. The short answer to this question is that it could not in the time available. If AC had not been struck by arcing electricity but had stayed where he was without moving, it is likely that a negotiator would have been called to attempt to talk him out of endangering himself. The electricity lines close to him would have been de-energised and rescue personnel would have been able to approach him and bring him to the ground. He would have been medically and probably psychiatrically assessed and, if necessary, treated.
26. Unfortunately, time ran out for AC too quickly. On the evidence of a senior Transgrid manager, Mr Mark Britton, it would have taken at least an hour and possibly longer to de-energise the lines and make them safe for electricity crews and emergency services crews to approach AC. While circuit-breakers isolating a stretch of line can be opened quickly by computer, this does not make the line safe. It is necessary for electricity crews also to visit the relevant sub-stations to check the lines are de-energised, set an air lock and to earth the wires. In this case, it would have been necessary to call out crews on a Sunday some of whom were not on call and send them to three different sub-stations plus the tower itself (where the de-energised line would be earthed).
27. Emergency services personnel, for obvious reasons, are not permitted to work close to high voltage lines until the electricity crews declare them safe.
28. While a trained negotiator could have been called to the scene, that process would have taken more than 12 minutes. Even if Sen Constable Owen had requested a negotiator as soon as AC started to climb the tower, it would have

been impossible to for the on-call negotiator to be alerted and despatched and travel to the scene in the time available.

29. In any event, given the situation that arose, both Sen Constable Owen and Sen Sergeant McLachlan immediately undertook what appear to have been very appropriate negotiation tactics in an attempt to reduce AC's anxiety and anger levels and to calm him down and to reduce the risk of harm.

Lessons learned from the incident

30. Although they made no difference to the outcome, lessons can be learned from the incident. First, in situations in which people are in danger from live high voltage power lines, it is critical for police or other emergency personnel on the scene to identify the unique identifying numbers of the transmission tower and the lines in question, plus the location of the tower. This information needs to be passed on to police radio operators who will then get in touch with the relevant power company who will set in train the process of de-energising and making lines safe.
31. Second, those identifiers are found on notices at the base of towers. The notices also nominate the power company which owns or controls the tower. This information is also important to pass on to the radio operator.
32. Third, in this case, a request was made to police radio to notify the power company. Unfortunately, the drop down menu with contact numbers for power companies used by operators, and the Standard Operating Procedures, did not include Transgrid in their listings. Transgrid's grid covers the whole of New South Wales and connects to all the retail distributing companies in the State and with grids in Queensland and Victoria. The NSW Police Force emergency contact list therefore needs to be upgraded and the Standard Operating Procedures amended to ensure that Transgrid is included in its listings.
33. Fourth, for obvious reasons, Transgrid procedures require that incoming calls requesting emergency de-energisation of power lines be verified. At present, if police make a call to Transgrid, it will request a telephone number that can be used to call the relevant police unit to verify the authenticity of the call. This may take a few minutes. Those minutes may be vital. This raises the question whether there is a fail-safe means of automatically identifying incoming calls from the Police Force or emergency services more generally.
34. In fairness to Transgrid, this was a question that only arose late in the day and there was no opportunity to obtain evidence concerning the possible ramifications of a recommendation to this effect. I propose making a

recommendation only that the question be considered by Transgrid and to be implemented only if reasonably practicable.

Conclusion

35. The sudden and unexpected death of a loved one is shocking blow to those close to that person. In this case, two of the people close to AC had the dreadful experience of seeing his death occur. His mother has lost a son whom she would have hoped to see live many more years yet.
36. There is no “closure” and no consolation that can be offered to the bereaved family and friends in these circumstances. All I and the team that assisted me in this inquest can do is hope that AC’s family and friends have many happy memories of him that will in time outlast and outweigh the horror and shock that his death has caused, and that they will accept our sincere condolences on losing this young man whom they loved.

Findings s 81 Coroners Act 2009

37. I find that AC died on 23 March 2014 on or near Transgrid Electricity Tower 625 near the intersection of Tasman and Copland Sts, Wagga Wagga New South Wales due to electrocution and multiple injuries he suffered when struck by arcing of electricity from a high voltage line on the tower which he had climbed and from which he fell after being struck. This occurred in the course of a police operation, namely a traffic law enforcement stop.

Recommendations

37. I make the following recommendations to the Minister and Commissioner for Police:
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Magistrate Hugh Dillon
Deputy State Coroner