



## STATE CORONER'S COURT OF NEW SOUTH WALES

<b>Inquest:</b>	Inquest into the disappearance and suspected death of Pideuk Jung
<b>Hearing dates:</b>	5 February 2016
<b>Date of findings:</b>	17 March 2016
<b>Place of findings:</b>	State Coroners Court, Glebe
<b>Findings of:</b>	Magistrate Harriet Grahame, Deputy State Coroner
<b>Catchwords:</b>	Coronial Law - Missing Person; Missing Persons Standard Operating Procedures (SOPs)
<b>File number:</b>	2015/00166855
<b>Representation:</b>	Nishant Ramavat – Coronial Law Advocate – Advocate assisting the Coroner
<b>Findings</b>	Pideuk Jung is dead. He died on or shortly after 18 January 2014. The place, cause and manner of his death cannot be determined.
<b>Recommendations</b>	<p>To the Minister for Police and the NSW Commissioner of Police:</p> <p>I recommend that the Missing Persons Unit of the NSW Police consider developing an education bulletin for Consulates and Embassies outlining the process of reporting a missing person in NSW.</p> <p>I recommend that any forthcoming review of the current “Missing Persons -Standard Operating</p>

	<p>Procedures” Document, considers including specific guidance for NSW police in relation to taking missing person reports about foreign nationals who may have gone missing in Australia.</p>
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**These findings have been written without the benefit of a transcript.**

IN THE STATE CORONER'S COURT  
GLEBE  
NSW  
SECTION 81 CORONERS ACT 2009

## **REASONS FOR DECISION**

1. This inquest concerns the disappearance and suspected death of Pideuk Jung, also known as Peter Jung during his time in Australia.

### **Introduction**

2. Pideuk Jung was born on 12 February 1983 at the Anyang Hospital, in the Gyeonggi Province of the Republic of Korea (South Korea). There were three children in the family. Pideuk's father was a church minister, and is now deceased, his mother is still living in Korea. Pideuk's next of kin is recorded in official documents as his elder brother, Do Young Choung. According to Do Young Choung's wife, Insun Cho, the family last heard from Pideuk about two months prior to his disappearance when he called home to ask for a Korean recipe.<sup>1</sup>
3. Pideuk was unmarried and without children. He arrived in Australia on a working holiday visa on 2 March 2013. He appears to have later obtained another visa that was not due to expire until 2 March 2015<sup>2</sup>. Pideuk's family were under the impression that he was in the process of applying for a further extension to his visa and that he planned to stay in Australia for some time. His Korean passport was valid until 31 January 2017.

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<sup>1</sup> Exhibit 1, Statement of S/C Lopes, Tab 1, paragraph 150

<sup>2</sup> Exhibit 1, Statement of S/C Lopes, Tab 1, paragraph 10

4. Pideuk's family did not travel from Korea for the inquest, but were aware of the proceedings and remained in close contact with a Korean Consular Officer, Mr Yiwon Yoo. Mr Yoo attended, examined documents and participated in the inquest on their behalf.

### **The Role of the Coroner**

5. The role of the Coroner in a case such as this is to make findings firstly as to whether the nominated missing person is actually dead and if that can be established, to make further findings as to the date and place of death and in relation to the manner and cause of death.<sup>3</sup>
6. In addition, the Coroner may make recommendations in relation to matters that have the capacity to improve public health and safety.<sup>4</sup>

### **Background**

7. At the time of his disappearance Pideuk was living at unit 1/25 The Boulevard, Strathfield. This was share accommodation and he did not appear to have close contact with his roommate or the other residents.<sup>5</sup> He paid his rent in cash and worked long hours. Pideuk did not have a partner in Australia, but had a few friends and acquaintances in the Korean community.
8. In September 2013 Pideuk bought a black volkswagon (CNX37V) from his friend Mr Eunseok Cha. The registration papers had not been transferred at the time of his disappearance and according to Mr Eunseok Cha part of the purchase price remained outstanding.<sup>6</sup> Nevertheless, Pideuk used this vehicle in his work as a driver for the Korean taxi business "Speed Pick up" which was owned by Mr Young Hwan Joo and Mr Ji Jun. The job, which Pideuk had

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<sup>3</sup> Section 81 *Coroner's Act 2009* (NSW)

<sup>4</sup> Section 82 *Coroners Act 2009* (NSW)

<sup>5</sup> Exhibit 1, Statement of S/C Lopes, Tab 1 paragraph 11

<sup>6</sup> Exhibit 1, Statement of Eun Seok Cha, Tab 22

obtained through Mr Eunseok Cha, involved being on call to drive Korean people to the airport and other locations and Pideuk was required to work long hours, generally six days a week. Pideuk was also due to start a second job as a cleaner within the days leading up to his disappearance.

9. There is no evidence that Pideuk had ever been an unreliable employee. However, on 18 January 2014 he failed to attend work as expected, and he did not answer his telephone when called.
10. On 22 January 2014 Mr Sung Min, Pideuk's new boss emailed the Korean Consulate raising his concerns about Pideuk's apparent disappearance.<sup>7</sup> Mr Min also conferred with Pideuk's friend Mr Eunseok Cha, who in turn contacted family in Korea. On 28 January 2014 Mr Eunseok Cha contacted Senior Constable John Tikisci at Burwood Police Station and reported Pideuk and his car missing. It was not until this time that formal investigations into Pideuk's disappearance commenced.

#### **What is known of events leading up to Pideuk's disappearance?**

11. On 17 January 2014 Pideuk was working for "Speed Pick Up". Around 5.55pm he dropped a customer at his home in Epping. Later that evening Pideuk purchased a two hour parking permit for a parking bay near the intersection of Edward and Union Streets, Pymont. Around 6.46pm Pideuk received a text message from his new employer Mr Sung Min, and then confirmed that he would be at the Macquarie Street Office for induction at 7.30pm that evening.
12. Pideuk contacted Mr Sung Min on a further two occasions that evening, firstly telling him that he would be delayed as "something had come up" and then around 7.45pm requesting that the job training be postponed.
13. Records indicate that around 7.49 Pideuk purchased additional parking in Pymont. His telephone was activated around 11.56pm.

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<sup>7</sup> Exhibit 1, Statement of S/C Lopes, Tab 1, paragraph 26

14. Pideuk did not attend work, as expected on 18 January or any time thereafter and both his employers remained unable to contact him.
15. On 30 January 2014, a couple of days after he had been reported missing to Burwood Police, Pideuk's car was located in the parking spaces of Carrington Parade, Curl Curl. Unfortunately, it contained little or no information that seemed to shed light on his whereabouts or state of mind at the relevant time.
16. Later, during the subsequent investigation, police located witnesses who saw a gentleman that may have been Pideuk parking his car in Carrington Parade, Curl Curl around 8.30 am on or around 22 January 2014, but these witnesses were unable to confirm the precise date and may merely have been mistaken in relation to that detail.<sup>8</sup> There is also evidence that a local fisherman saw a green coloured passport, a set of keys from a VW and a cigarette lighter on the rocks adjacent to Carrington Parade around 1.30pm on 18 January 2014. Unfortunately, by the time police became aware of these items, they were gone. Pideuk's passport and keys have never been located.
17. There have been no further sightings of Pideuk and there is no known reason why he may have been in the Curl Curl area.

### **Issues to be investigated**

18. The first issue is whether or not there is sufficient evidence to establish that Pideuk is dead. If so, the question of where and when he died must be examined and what was the cause and manner of his death. Is there any compelling evidence of accident, suicide, foul play or natural disease ?

### **The Evidence**

19. The inquest commenced on 5 February 2016 and heard oral evidence from Detective Senior Constable Fisher. A significant amount of documentary material was tendered including witness statements, photographs and maps. The inquest also heard the evidence of Mr Yiwon Yoo, a Consular Official from the Consulate General of the Republic of Korea.

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<sup>8</sup> See statements of Peter and Sharon Baker, Exhibit 1, tab 44 and 45

20. The inquest was adjourned for the provision of a further statement from the NSW Police Force's Missing Persons Unit in relation to the procedures and protocols in place with regards to foreign nationals reporting or being reported as missing persons . When the inquest resumed on 17 March 2106 a further statement was tendered in relation to this issue.

**Is Pideuk Dead? If so, how did he die?**

21. The first question for determination is whether or not Pideuk is dead. Perhaps the most telling evidence in this regard is the total lack of contact with family and friends since 18 January 2014. His employers and others would have expected to hear from him and they have not. He has not been seen at his accommodation since that time and his personal effects have been completely abandoned.

22. When it became clear that Pideuk had not contacted friends, family, his landlord or his employer, extensive investigations commenced. The discovery of Pideuk's car in Carrington Parade is certainly suggestive of him visiting the area shortly before his disappearance. On 31 January 2014, water and land police conducted an extensive search of the local area and conducted patrols between North Curl Curl and North Dee Why.<sup>9</sup> Police divers were also used to sweep the area, with no result. No body or personal items were ever located. Of course, even if police could be certain that Pideuk had gone into the water and drowned on 18 January 2014, given the passage of almost two weeks it is possible that his body would never be recovered. Tides, currents and rough swell, rocks and sea life all mean that the chances of finding him after that length of time would be slim.<sup>10</sup>

23. The area closest to where Pideuk's car was found is known as an access point for fisherman. There is a walking track down from the car parking area that follows the contours of the rocks. There are a number of rock ledges below, some of which are commonly used for fishing. The bottom ledge can be

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<sup>9</sup> Exhibit 1, Statement of S/C Lopes, Tab 1, paragraph 42

<sup>10</sup> See also the statement of Leading S/C Wye from the Diving Unit, Exhibit 1, Tab 35

covered in water at times and the sea can be quite rough. <sup>11</sup>However, there is no evidence that Pideuk ever engaged in fishing and the available evidence is that it is most unlikely that he was dressed or equipped for that activity on 18 January 2014.

24. Investigators have considered the possibility that Pideuk was accidentally swept off the rocks and into the sea, however there is no forensic evidence to support this theory. It is also difficult to understand why he was there in the first place and why he would have left his keys, passport and lighter on the rocks and his mobile telephone, wallet and laptop in the car. Nevertheless a simple and tragic accident cannot be ruled out. If he had fallen into the water fully clothed, Pideuk may have experienced significant difficulties. His family report that he has no “swimming experience”. <sup>12</sup>

25. An interrogation of Pideuk’s mobile phone revealed that he appeared to have taken a picture in the area some days before, <sup>13</sup> but why he went there on 18 January 2014, when he was expected at work remains a mystery.

26. Police found a Curl Curl address in the navigation system located in Pideuk’s car, but could not ascertain its relevance to the disappearance investigation. <sup>14</sup>

27. Consideration has also been given to the possibility of suicide. However, North Curl Curl rocks is not known for or considered to be a likely spot for suicide. It was the evidence of Detective Senior Constable Fisher <sup>15</sup> that there are many other more obvious places nearby that Pideuk could have driven to if he had planned to kill himself. There is no suicide note or any type of communication left or found on his electronic devices, including his lap top computer, to clearly support a finding of suicide.

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<sup>11</sup> Exhibit 1, Statement of Constable Chase Berry, Tab 32, paragraph 4

<sup>12</sup> Exhibit 1, Statement of S/C Lopes, Tab 1, paragraph 137

<sup>13</sup> Three photographs were taken on his telephone in the Curl Curl area on 15 January 2014. See Statement of S/C Lopes, Tab 1, paragraph 71 onwards

<sup>14</sup> Exhibit 1, Statement of S/C Lopes, Tab 1 paragraph 44 and elsewhere.

<sup>15</sup> Detective Senior Constable Fisher, oral evidence at Inquest, 5 February 2016

28. As part of this line of investigation police extracted data from Pideuk's mobile telephone and this information was carefully reviewed by a Korean speaking Officer of the NSW Wales Police, Constable Mi So Min.<sup>16</sup> It was revealed that Pideuk had some contact with friends using the "Kakaotalk" service, which is apparently popular in the Korean community. On 17 January 2014 he had two conversations with two females. In one of those conversations Pideuk states that he does not wish to return to Korea. He seems somewhat discouraged and reports that he has been working hard. At one point in the conversation he says "I thought about dying yesterday" or words to that effect. The woman he is communicating with appears to take the comment as a joke and the conversation moves on. Later Pideuk sent some photographs of the coastline near where his car was located. However, without more, it would be unsafe to place too much weight on the content of this conversation to support a finding of suicide.

29. It should also be noted that Pideuk's family and friends do not appear to have been aware of any mental health issues, suicidal thoughts or prior threats of suicide or self-harm. Mr Eunseok Cha suggests that Pideuk appeared lonely in the months before his disappearance and that "all he did was gamble and work", but he also expressed the view that Pideuk was unlikely to hurt himself or commit suicide.<sup>17</sup>

30. There is no evidence that Pideuk had any health problems or known medical conditions that could have triggered a sudden death.

31. One avenue of the police investigation was the possibility that Pideuk may have been distressed by gambling debts or liabilities or that he may have been threatened by someone in relation to repayments. Pideuk's friend, Mr Eunseok Cha stated that Pideuk had come to Australia because of a gambling debt and that Pideuk went gambling at the Star casino every day.<sup>18</sup> Mr Eunseok Cha told investigating officers that Pideuk had "lost \$5000 gambling" just days

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<sup>16</sup> See statement of Constable Mi So Kim and Statement of S/C Lopes paragraph 222 onwards.

<sup>17</sup> Statement of Eunseok Cha, Exhibit 1, Tab 22

<sup>18</sup> Statement of Eunseok Cha, Exhibit 1, Tab 22, paragraph 7

before he went missing. It was Mr Eunseok Cha's opinion that Pideuk had a gambling addiction.

32. It should be noted that Pideuk's family do not agree that he had Korean gambling debts<sup>19</sup> or indeed a gambling addiction. Equally, Police were unable to find any firm evidence that he was a big gambler at the Star Casino<sup>20</sup>. While it appears from the evidence of his parking records that Pideuk may have been in the vicinity of Star Casino on the evening before his likely disappearance, there is no firm evidence that he attended that venue. Unfortunately the only witness who appeared to assert that Pideuk had a gambling issue, Mr Eunseok Cha<sup>21</sup>, had left Australia prior to the inquest and could not be contacted.

33. There is no firm evidence that Pideuk's death was suspicious and investigating police apparently believe otherwise.<sup>22</sup> There is no firm evidence of gambling debts and the only possible eye witnesses places Pideuk at Curl Curl alone. No person has suggested Pideuk was being pursued in relation to debts or that he had ever received threats of any sort. A careful forensic search of Pideuk's motor vehicle revealed no fingerprints, blood or bodily fluids.<sup>23</sup>

34. There is no evidence to suggest that Pideuk has "changed identity" and remains alive living under a false name.

35. Police conducted a number of other investigations that are considered routine in a missing person case of this kind. The investigation included<sup>24</sup>

- i. Inquiries with the Department of Immigration and Border Protection to confirm any international movements for Pideuk Jung on Korean Passport number GS0010486. This inquiry

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<sup>19</sup> Evidence at Inquest of Korean Consulate Officer, Mr

<sup>20</sup> Statement of Eun seok Cha, Exhibit 1, Tab 22

<sup>21</sup> See Statement of Eun seok Cha, Exhibit 1, Tab 22. He states his belief that Pideuk had a gambling addiction and would gamble every day. He states that Pideuk was sent to Australia by his brother after losing a substantial amount of money gambling.

<sup>22</sup> Detective Senior Constable Fisher, oral evidence at Inquest, 5 February 2016

<sup>23</sup> Exhibit 1, Statement of S/C Lopes, paragraph 59 onwards

<sup>24</sup> See in particular, the statement of Catia Lopes, Exhibit 1

revealed that there was no indication that Pideuk Jung had left Australia.

- ii. Inquiries with the Korean Consulate Officer, Mr Yiwon Yoo at the Consulate General of the Republic of Korea. No further information indicating the whereabouts of Pideuk was gathered from this source, who remained in contact with Pideuk's family in Korea.
- iii. Inquiries were made with the Glebe Morgue to see whether any unidentified bodies were held at that facility which could match Pideuk. No possible matches were identified
- iv. On 15 April 2014 a state-wide Nemesis message was sent to all NSW police. It contained photographs and information about Pideuk. No information or leads from this action were forthcoming.
- v. On 4 December 2014 a DNA sample from Pideuk's brother in Korea was received at the NSW Missing Persons Unit. At the time of the inquest, there had been no matches with unidentified bodies or remains, Australia wide. Similarly, inquiries were made to all state and territory police services to no avail.
- vi. Extensive financial institution checks have been carried out by the Missing Persons Unit. Inquiries were made with the five major banks and other external financial institutions in relation to Pideuk. Pideuk's Commonwealth Bank Account has not been accessed since 17 January 2014. No other relevant information was obtained.
- vii. Inquiries were made with Star City Casino, no records matching Pideuk were identified.
- viii. A facebook account belonging to Pideuk was identified. It appeared not to have been used since 2 September 2012

- ix. Inquiries were made with Centrelink, Departments of Births Deaths and Marriages in each state and Medicare, with no result. There was no relevant entry on the Australian Electoral roll.
- x. Investigations with Optus indicated that no calls have been made on Pideuk's mobile phone since 17 January 2014.

## **Conclusion**

36. Taking into account all the available evidence, it has been established to the requisite standard that Pideuk Jung is dead. He has not been seen since January 2014. In my view it is highly implausible that a foreign national with only mediocre English and no apparent financial resources could choose to just disappear and "go underground". More than that there is simply nothing to suggest he would want to. He had employment and a valid visa. The fact that he has not contacted family or friends and has abandoned all his belongings points to the sad reality that he has somehow come to harm. Unfortunately, despite extensive police investigation, the circumstances of Pideuk's death remain a complete mystery.

37. It is likely that Pideuk died on or soon after 18 January 2014. However, beyond that, very little can be reliably established. While he may have been seen near his car on 18 January 2014 at Curl Curl, even the precise place of his death remains uncertain. Having carefully considered the available evidence, the manner and cause of his death are also completely unknown.

## **Issues regarding the report of missing foreign nationals**

38. During the inquest it became clear that the search for Pideuk was delayed to some extent. Had his friends and others understood the procedures for reporting missing persons in NSW the police could conceivably have commenced their search up to ten days earlier.

39. Specifically, it appears that there was some confusion when Mr Sung Min Song contacted the Korean Consulate in relation to Pideuk's disappearance.
40. An email sent by the Consular Officer states that only family members can report people missing.<sup>25</sup> This information appears to have influenced Mr Eunseok Cha into waiting until 28 January 2014 to report Pideuk's disappearance to NSW Police. When he did, it appears that he may have thought he needed to report his car missing to trigger a search.
41. There is no doubt, investigation of a missing person's whereabouts should ideally commence as soon as possible so that crucial evidence is not lost or dispersed. In a case such as this that involves at least the possibility of recovering a body from the water, the passing of time was particularly unfortunate.
42. The case also raises the particular difficulties faced when foreign nationals, with few ties in Australia go missing. Friends and acquaintances may be reluctant to approach police to make a formal notification. They may even be unsure of how to approach police with their concerns and require special assistance. In many cases, family in a home country may not yet be aware of a problem or have the language skills to make a report.
43. For this reason, the inquest was adjourned to seek information from NSW Police in relation to the current procedures and protocols governing the report of missing persons in NSW.
44. On 17 March 2016, the inquest received a statement from Inspector Shantel Cogno<sup>26</sup>, who is currently the Manager, Operations Support, NSW Police Force. In this role she has responsibility for the NSW Police Missing Persons Unit.
45. Attached to Inspector Cogno's statement is the NSW Police policy document entitled "Missing Persons- Standard Operating Procedure". This document sets out the current operating procedures in relation to missing persons. It was

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<sup>25</sup> See email correspondence at Exhibit 1, Tab 27.

<sup>26</sup> Exhibit 6, Statement of Inspector Shantel Cogno

published in 2013 and reviewed in 2014. Inspector Cogno informed the Court, the document is scheduled for further review in 2016.

46. The current definition of a missing person 'is anyone who is reported missing to police, whose whereabouts are unknown, and there are fears for the safety or concern for the welfare of that person. This includes anyone missing from any institution, excluding escapees"<sup>27</sup> While there is no specific guidance for police in relation to the issue, this definition would include a missing foreign national. It is clear that NSW Police must, as indicated in paragraph 5.1 of the document, take a report about any missing person, if called upon to do so.
47. Inspector Cogno, after hearing about this case, volunteered to draft a state-wide communication to be forwarded to all NSW police clearly indicating that reports of a missing foreign national should be taken by police, in the normal way, providing they meet the criteria of a missing person, which is set out in the SOPS definition. It may be that it would be useful to make this kind of guidance explicit in the next draft of the Missing Persons SOPS.
48. Inspector Cogno stated that the Missing Persons Unit does not currently provide an education package for foreign Consulates or Embassies. Given the initial confusion that appears to have operated in this case, it would appear to be a useful strategy to consider.

#### **Findings required by section 81 (1) *Coroners Act 2009* (NSW)**

49. As a result of considering all the documentary evidence and the oral evidence heard at inquest, I am able to make the following findings.
50. Pideuk Jung died on or shortly after 18 January 2014.
51. I am unable to make findings in relation to the place of his death or the cause or manner of his death.

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<sup>27</sup> Exhibit 6, Missing Persons SOPS page 2

**Recommendations pursuant to section 82 Coroner's Act 2009 (NSW)**

52. I recommend that the Missing Persons Unit of the NSW Police consider developing an education bulletin for Consulates and Embassies outlining the process of reporting a missing person in NSW.

53. I recommend that any forthcoming review of the current "Missing Persons - Standard Operating Procedures" Document, considers including specific guidance for NSW police in relation to taking missing person reports about foreign nationals who may have gone missing in Australia.

54. Finally, I offer my sincere condolences to Pideuk's family and friends. Pideuk's mysterious disappearance and death in a foreign country must be extremely distressing and difficult to bear.

55. I close this inquest

**Harriet Grahame**

**Deputy State Coroner**

**17 March 2016**

