

CITATION: *Inquest into the death of Wayne Walker & Jacqueline Morrison*
[2008] NTMC 058

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0031/2008
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FINDING OF: Mr Greg Cavanagh SM

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responses thereto

REPRESENTATION:

Counsel:

Assisting: Jodi Truman

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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0031/2008
D0032/2008

In the matter of an Inquest into the deaths of
WAYNE WALKER AND
ON 13 FEBRUARY 2008
AT LOT 2558 HELENA ROAD, KATHERINE

AND

JACQUELINE MORRISON
ON 9 FEBRUARY 2008
AT LOT 2558 HELENA ROAD, KATHERINE

FINDINGS

(26 August 2008)

Mr Greg Cavanagh SM:

Introduction

1. Jacqueline Patricia Morrison was a Caucasian female born on 31 August 1954 in Lambeth, Great Britain. The body of Ms Morrison was found by police in a white freezer at Lot 2558 Helena Road, Katherine in the Northern Territory at approximately 3.06am on Wednesday 14 February 2008.
2. Wayne Bruce Walker was a Caucasian male born on 16 October 1954 in Meerim, Victoria. The body of Mr Walker was found by police on the lawn area adjacent to the back veranda of the residence of Lot 2558 Helena Road, Katherine in the Northern Territory at approximately 2.53am on Wednesday 14 February 2008.
3. At the time of the death of Mr Walker, Northern Territory Police were in the process of endeavouring to take Mr Walker into their custody or control. It is difficult on the material before me to determine precisely when it was that Mr Walker's death occurred, however it appears on the evidence before me

that it is more likely than not to have occurred at a time when police were either travelling to the area to take Mr Walker into their custody or control, or alternatively had already arrived in the area.

4. As a result, the death of Mr Walker was reportable to me, as the Coroner, pursuant to section 12 of the *Coroners Act* (“the Act”). Mr Walker was determined to be a person held in custody pursuant to the definition contained in section 12 of the *Act* as including “a person in the process of being taken into the custody or control of a member of the Northern Territory Police Force”. As a result pursuant to section 15(1) of the *Act* this inquest is mandatory.

5. Section 26 of the *Act* provides:

“1. Where a Coroner holds an inquest into the death of a person held in custody or caused or contributed to by injuries sustained while being held in custody, the Coroner –

- a. Shall investigate and report on the care, supervision and treatment of the person while being held in custody or caused or contributed to by injuries sustained while being held in custody; and
- b. May investigate and report on the matter connected with public health or safety or the administration of justice that is relevant to the death.

2. A Coroner who holds an inquest into the death of a person held in custody or caused or contributed to by injuries sustained while being held in custody shall make such recommendations with respect to the prevention of future deaths in similar circumstances as the Coroner considers to be relevant”

6. Pursuant to section 34 of the *Act* I am also required to find, if possible:

“1. A Coroner investigating:

- a) A death shall, if possible, find –
 - i. The identity of the deceased person;

- ii. The time and place of death;
- iii. The cause of death;
- iv. The particulars needed to registered the death under the *Births, Deaths and Marriages Registration Act*;
- v Any relevant circumstances concerning the death”

7. Section 34(2) of the *Act* operates to extend my function as follows:

“A Coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated”

- 8. This inquest was held on 26 August 2008 and I provided ex tempore reasons for my decision. Ms Jodi Truman of Counsel appeared as Counsel assisting me in this inquest.
- 9. Only two witnesses were called to give evidence at the inquest, the Officer in Charge of the Coronial investigation, namely Detective Senior Constable Megan Duncan and the Officer in Charge of the investigation of the death of Ms Morrison and also in charge initially of attempts to arrest Mr Walker, namely Detective Sergeant Tony Henrys.
- 10. A brief of evidence containing 31 civilian witness statements and 40 police statements, together with numerous other reports, photographs and police documentation was tendered at the inquest (Exhibit 1). Public confidence in Coronial investigations demands that when police (who act on behalf of the Coroner) investigate deaths that involve police, they do so to the highest standard. Detective Senior Constable Megan Duncan has done so. She carried out her investigation to a high standard and I thank her.

Formal Findings

- 11. On the basis of the tendered material and oral evidence at this inquest I am able to make the following formal findings in relation to the death of Ms

Jacqueline Morrison and Mr Wayne Walker, as required by the *Act*, as follows:

Jacqueline Patricia Morrison

- i. The identity of the deceased was Jacqueline Patricia Morrison who was born on 31 August 1954 at Lambeth, Great Britain.
- ii. The time and place of death was on the evening of Saturday 9 February 2008 some time after 8.30pm and on the balance of probabilities more than likely prior to 9.55pm at Lot 2558 Helena Road in Katherine.
- iii. The deceased was female.
- iv. The deceased was of Caucasian descent.
- v. The cause of death was homicidal cutthroat.
- vi. The cause of death was reported to the Coroner.
- vii. The cause of death was confirmed by post mortem examination carried out by Dr Nigel Buxton.
- viii. The deceased lived at Lot 2558 Helena Road, Katherine.

Wayne Bruce Walker

- i. The identity of the deceased was Wayne Bruce Walker who was born on 16 October 1954 in Meerim, Victoria.
- ii. The time and place of death was, on the balance of probabilities, some time between 3.39pm and 6pm on Wednesday 13 February 2008 at Lot 2558 Helena Road in Katherine.
- iii. The deceased was male.

- iv. The deceased was Australian.
- v. The deceased was of Caucasian descent.
- vi. The cause of death was a self-inflicted gunshot wound to the head.
- vii. The cause of death was reported to the Coroner.
- viii. The cause of death was confirmed by post mortem examination carried out by Dr Nigel Buxton.
- ix. The deceased lived at Lot 2558 Helena Road, Katherine.

Circumstances surrounding the death

- 12. Jacqueline Morrison and Wayne Walker had been involved in a de facto relationship from approximately 2006. They met through a mutual friend Mr Bob Wright and more than likely they appear to have met at Ms Morrison's 52nd birthday party in or about August 2006.
- 13. According to a number of civilian statements put in evidence before me, whilst it is acknowledged that there was no domestic violence reported between Ms Morrison and Mr Walker, it appears that their relationship was adversely affected by high alcohol abuse by both parties and also extreme jealousy and possessiveness by Mr Walker. I find that this combination often led to volatile verbal arguments between the parties with one or the other leaving and the couple separating for a short period of time only to get back together.
- 14. I find that on Friday 8 February 2008 Mr Walker and Ms Morrison attended at 15 Acacia Drive, Katherine, being the residence of Judy Summers and her de facto partner, Peter Kranz. I find that the group drank that evening and that Mr Walker and Ms Morrison became heavily intoxicated. I find that after Ms Morrison and Ms Summers skinny-dipped in the pool; Mr Walker became extremely upset and angry and began accusing Ms Morrison of

flashing herself at Mr Kranz. I find that the couple entered into a heated and volatile argument that resulted in Mr Walker leaving the premises. I find that Ms Morrison also left the premises approximately an hour later.

15. I find that it appears more likely than not that the argument between the couple continued throughout the next day, being Saturday 9 February 2008. I find that at about 7pm that evening Mr Bob Wright and his de facto, Ms Jan Murphy, visited the couple at their residence at Lot 2558 Helena Road, Katherine. I find that when Mr Wright and Ms Murphy arrived at the residence both Mr Walker and Ms Morrison were intoxicated and were fighting. As Mr Wright states in his statutory declaration to the police the couple were “*being quite nasty to each other*”.
16. I find that as a result, Mr Wright and Ms Murphy left the residence and returned to their home at or about 8.30pm. I find that approximately 10 minutes after their arrival Ms Morrison telephoned their residence and asked Mr Wright to return to Lot 2558 to sort Mr Walker out. I find that when Mr Wright refused Ms Morrison stated, “If you don’t come around and sort him, I will”. I find that this is the last time that any person spoke to Ms Morrison, and that, on the balance of probabilities, shortly after that conversation it is likely that Mr Walker killed Ms Morrison.
17. Based on the autopsy report of Forensic Pathologist, Dr Nigel Buxton, and the injuries set out therein, together with the evidence of persons as to the confessions Mr Walker made to them, I find on the balance of probabilities that shortly after 8.30pm on Saturday 9 February 2008 the argument continued between Mr Walker and Ms Morrison. I find that Mr Walker believed that Ms Morrison was lying to him. I find that during the argument, Mr Walker delivered a punch to the left side of Ms Morrison’s face fracturing the left orbit of her eye and that this blow rendered Ms Morrison either unconscious, or at the very least stunned.

18. I find that Mr Walker then went inside the house, got a knife, came back outside and said to Ms Morrison words to the effect “*I’ve got something to show you*” and then stabbed Ms Morrison to the left side of her neck cutting her throat from left to right. I find that the blow with the knife was done with considerable force, resulting in a deep incised wound through the structure of the throat that impinged on the spine of Ms Morrison.
19. I find it more likely than not that sometime thereafter Mr Walker began setting about endeavouring to cover up what he had done to Ms Morrison, including making a phone call to Mr Greg Scott who was scheduled to attend at the residence on Sunday 10 February 2008. I find that Mr Walker telephoned Mr Scott at 9.55pm on Saturday 9 February 2008 telling Mr Scott not to attend at the residence. I also find it more likely than not that Mr Walker subsequently placed Ms Morrison into a white freezer at the residence and that this occurred when he awoke the following morning of Sunday 10 February 2008.
20. I find that on Monday 11 February 2008 a number of telephone calls occurred between Mr Walker and his former wife Deborah Walker. During those conversations Mr Walker made a number of confessions to having killed Ms Morrison. I note that as a result of the information provided to her Ms Walker made contact with Mr Wright and requested his assistance in determining whether Ms Morrison was deceased.
21. It may be viewed by some that Ms Walker should have done more upon receipt of those confessions, however given the clearly intoxicated state of Mr Walker when those confessions were made, and given the confused nature of those confessions, which did not correlate with Mr Wright’s own sighting of Ms Morrison on Saturday 9 February 2008, I do not consider that Ms Walker can be criticised for not immediately reporting the matter to police.

22. Obviously at the time of these conversations Mr Walker was heavily intoxicated and Mrs Walker was located in Victoria. It is not unreasonable for Ms Walker to have had some concern as to what, if anything, she could say to the police and whether they would accept her reporting in all of the circumstances.
23. I also note that during this time Mrs Walker was heavily dependant upon the opinion and information being provided to her by Mr Wright. Whilst Mr Walker was making confessions to Mrs Walker, Mr Walker was telling Mr Wright that Ms Morrison was in Darwin. I also do not find it unreasonable for Mr Wright to have had the opinion at least on Monday 11 and Tuesday 12 February 2008, that it was more likely than not that Ms Morrison was in Darwin based on what he was being told by his long term friend, Mr Walker.
24. I find that between 7am and 2pm on Wednesday 13 February 2008 a number of telephone conversations occurred between Mr Walker and Mrs Walker. In the initial conversations, Mrs Walker describes Mr Walker as being sober. Once again he confesses to her to the murder of Ms Morrison. By this stage Mrs Walker is convinced that Mr Walker has killed Ms Morrison and begins setting about to persuade Mr Walker to hand himself into the police with the assistance of Mr Wright.
25. I find that at or about 1.30 or 2pm on Wednesday 13 February 2008 Mr Wright attended at the residence of Lot 2558 Helena Road to see Mr Walker. I find that when Mr Wright attended there was a shotgun available to Mr Walker which Mr Wright moved from outside to inside the house. I find that after a period of time Mr Walker convinced Mr Wright that he could not speak to him face to face and that he would telephone him at his residence and that he may need his assistance to go and see the police.
26. I find that at or about 3.08pm Mr Walker telephoned the residence occupied by Mr Wright and told him that he had killed Ms Morrison by punching her in the face, and then used the knife that he used for hunting kangaroo, he cut

her throat. I find that Mr Walker told Mr Wright that after that point, “*everything was a blank*” and he woke up the next morning to find Ms Morrison in bed with him.

27. I find that during this subsequent conversation, Mr Walker agreed to Mr Wright bringing the police out to Lot 2558 for Mr Walker to “*do the right thing*”. I find that this is the last time that Mr Wright spoke with Mr Walker.

Involvement of Northern Territory Police

28. I find that at or about 3.39pm on Wednesday 13 February 2008, Mr Wright telephoned the Katherine Police Station and reported to them the confession made to him by Mr Walker in relation to the death of Ms Morrison. That conversation has been transcribed and is recorded and contained on the brief, which forms Exhibit 1.
29. Mr Wright informed the police that he would meet them at the scene and police requested that Mr Wright wait for them at the corner of Lot 2558. I find that the request made by police in this regard was, in all of the circumstances, more than reasonable taking into account the situation they faced and the limited information they had been provided.
30. Very shortly thereafter it is recorded in the PROMIS log records that form part of exhibit 1, that two police units were sent to Lot 2558 Helena Road. Sergeant Cairncross and Senior Constable Rossiter, who were the joint shift supervisors on 13 February 2008, occupied one of those units. I note that according to the PROMIS log records they are recorded as having been dispatched to Lot 2558 at 3.50pm. I find that this response was reasonable in all of the circumstances.
31. Sergeant Cairncross and Senior Constable Rossiter met with Mr Wright near the residence of Lot 2558, approximately 800 meters away from the start of the driveway to the premises. Police were aware upon their arrival of the

existence of firearms on the premises and they began to make arrangements to cordon and contain the area with the assistance of Constables Flattery and Hoolihan, who were the second unit to attend at the scene.

32. I also find in accordance with the PROMIS log records that two units from the Katherine Investigation Unit were also dispatched to Lot 2558 at approximately 3.55pm. The first unit contained Detective Sergeant Tony Henrys and Detective Sergeant Karl Day. The second unit contained Senior Constable Ronald Millar, Detective Senior Constable George Watkinson and Constable Galia Fomin. I find the response by the Katherine Investigation Unit to also be more than reasonable in the circumstances.
33. As stated in the statement of Detective Sergeant Henrys, I find that in the early stages of this matter, whilst making contact with Mr Walker was a priority to police, it was the safety of all police members and members of the public that came first. I find that it was also necessary, given that what had been reported to them was a confession to a murder, for there to be time taken to assess exactly what Mr Walker was doing, and his state of mind, particularly taking into account the availability of firearms, and the known capability of Mr Walker as a kangaroo shooter, familiar with firearms.
34. I find that it is very clear that shortly after the dispatching of both the units from general duties and also the units from Katherine Investigation Unit, that Detective Sergeant Henrys and Sergeant Cairncross shared the role of Forward Commander, and thus shared the decision making as to the next appropriate steps to take. Whilst it is usual for there to be one officer who undertakes the role of Forward Commander, I find that in these circumstances it was of no detriment to the work being undertaken by police for there to be a sharing of the Forward Command role.
35. I also find that shortly after the aforementioned officers and units were dispatched to the scene, that Senior Sergeant Steven Heyworth, who was the OIC of Katherine Police Station at the time, was undertaking duties back at

the station and also communicating with Superintendent Gordon and Acting Commander Colin Smith as to the events taking place. I find that at this time, information was also obtained by police of the criminal history of Mr Walker, which included armed robbery and other violence type offences. I note that a copy of the criminal history for Mr Walker in both NSW and Victoria is included in the Coronial brief.

36. I find that as part of the initial plan to try and establish contact with Mr Walker, attempts were made by a trained negotiator, namely Senior Constable Millar, between 4.26pm and 5.38pm to communicate with Mr Walker by phone and also by UHF radio. Those attempts failed and there was no communication with Mr Walker during that entire time.
37. At that stage I find that the information available to the police was as follows:
 - a. It was more likely than not that a serious offence involving the likely murder of Ms Morrison had occurred.
 - b. That there were firearms available to Mr Walker who was clearly capable of using them and who had indicated during conversations with those persons closest to him that he did not wish to go to jail again.
 - c. That Mr Walker had a history of violence.
38. I find that in accordance with that information, and appropriately so, police termed the incident as “high risk” and a decision was made to call in the Territory Response Group, or TRG, in accordance with Police General Order T1. I find that the approval for TRG to be dispatched was given at approximately 5.05pm. I consider that in all the circumstances this was a reasonable time period for police to have taken so as to obtain as much information as possible and conduct a proper assessment of the situation that they were facing.

39. Unfortunately, due to the distance between Katherine and Darwin, where the TRG are based, it was not until 9.05pm that the TRG arrived in Katherine. In all the circumstances, I consider that to have been an extremely prompt response time taken by the TRG, taking into account the necessity for them to have been called in, briefed and to obtain the necessary equipment before being deployed to Katherine.
40. According to the PROMIS log records it is recorded that a mobile police station was dispatched to the site at Lot 2558 Helen Rd, at 5.23pm. This mobile police station then became the Police Forward Command. I find this to have been an appropriate decision by police to be able to deal promptly and effectively with the information being obtained at the scene.
41. I also find that at or about 5.24pm police received information that higher calibre firearms were more than likely on the premises and that those firearms had a greater effective range, which required police to widen their cordon area and to evacuate a number of adjoining properties. I find the police response to this additional information to have been prompt and effective.
42. Due to the inability to make contact with Mr Walker, I note that at or about this time police were dealing with four possible scenarios:
 - a. That Mr Walker may have been asleep as a result of having been drinking heavily and therefore not able to hear the phone.
 - b. That there was a fault on the line, as identified by Telstra, such that Mr Walker wasn't hearing the phone as it was not actually ringing.
 - c. That Mr Walker had suicided before police arrival, as there had been no movement seen on the property since their arrival.

- d. That Mr Walker was armed and awaiting confrontation with the police.
43. Due to the high calibre of firearms believed at that stage to have been located on the premises, I find that the police were unable to get closer to the residence to be able to ascertain which of those four scenarios they were working with. I find in such circumstances that it was more than reasonable that police did not approach the residence any closer.
44. I find that at some time between 5.30pm and before 5.53pm there was a sound heard by a number of police members that was metallic in nature. I note the assessments made by police at the time that it was considered that such a sound was made by cattle going to a feed drum, rather than the sound of a firearm discharging. In this regard I note particularly the opinion of Senior Constable Rossiter who is a firearms instructor, recreational shooter and very familiar with firearms, who also heard the sound at the relevant time. I am unable to make a finding in all the circumstances however as to whether this was a firearm discharging or a feed drum.
45. I find that the police were further impeded by their circumstances in that it began to rain heavily and consistently, including thunder and lightning, from about 5.53pm. Such circumstances made it extremely difficult for police to communicate with one another as the rain affected their radios and it was difficult to hear things due to the thunder and lightning.
46. I find that shortly after the TRG arrived at Katherine Police Station; a briefing occurred at the station and TRG members then arrived at the scene at approximately 10.12pm, where a further briefing occurred with members on the scene. I find that shortly after their arrival at the scene six members of the TRG Sniper Team were deployed in three groups of two to set up their own inner cordon in the hope of commencing negotiations.

47. I note that the PROMIS log records that an inner cordon was established by the TRG at approximately 11.35pm and that at that time three plans were drawn up by TRG as follows:

1. A surrender plan.
2. A containment plan.
3. An immediate emergency action plan in case a firearm was used.

I consider that the responses by TRG were more than reasonable in the circumstances and were prompt.

48. I find, in accordance with the PROMIS log records, that at about 1.04am on Thursday 14 February 2008, Senior Constable Millar and Sergeant McPherson, who were then jointly acting as the negotiators on the scene, moved forward behind ballistic shields with two TRG shield carriers, and two TRG protection escorts, to an area within 40 meters of the house. Sergeant Peter Schiller of the TRG led this exercise. I find that this action was taken predominantly because police had been unable to confirm that the telephone attempts at negotiation were actually getting through on the telephone. Negotiations then commenced with the use of a Bull Horn or Mega Phone.

49. I find that initially the Bull Horn was ineffective as it was not clear enough, or was not loud enough, and as a result the negotiators were moved to an area within 20 to 30 meters of the house to continue attempts at negotiation. I find that those attempts occurred between 1.04am and 1.57am. Attempts were then also made via the telephone, at which time the negotiators were able to hear the telephone and confirm the telephone on the premises was working. As a result the negotiators were backed out of the area behind the shields.

50. I note that in accordance with the evidence available to police at that time, it appeared there were three basic options available, which were being discussed between Senior Sergeant Heyworth and Superintendent Gordon. These options were:
- a. The use of a bomb robot to do a remote check of the premises prior to any entry by TRG members.
 - b. A covert clearance by TRG using night vision goggles and tactical secure radio belonging to the TRG and involving non-lethal options such as gas, a bean bag round or TASERS.
 - c. Do nothing until daylight.
51. I find that both options a and c were more than likely to result in the resources of both Katherine police and the TRG to be completely depleted. A decision was therefore made that option b was the most preferable. I find that this was the appropriate decision in all the circumstances.
52. I note that at this time Sergeant Schiller, in order to assist in preparations towards a covert clearance and sweep by TRG, commenced a reconnaissance of the residence and surrounding area with Constable Clarke, also of the TRG. I note that this reconnaissance was done to establish doorways for a covert entry and to confirm the layout of the scene.
53. I find in accordance with Sergeant Schiller's statement to the police that during his reconnaissance he saw what he believed to be a male person, in a pair of jeans, lying down on the lawn in an area adjacent to the back veranda of the house. The body of the male was lying on its back and did not appear to be conscious, at the very least. As a result Sergeant Schiller called Constable Clarke forward, and whilst Constable Clarke provided firearm coverage, Sergeant Schiller moved forward.

54. As set out in his statutory declaration, as Sergeant Schiller approached closer it became very obvious to him that the male was deceased as there was a very serious and clearly fatal injury to his skull and skull cavity, together with a 410 gauge firearm, which was located at the base of the man's feet.
55. I find that Sergeant Schiller then sought, and obtained, at 2.53am approval to conduct a clearance of the building and surrounding area and that at 3.06am the premises were cleared and were entered by Katherine Investigation Unit Members, Detective Sergeant Henrys and Constable Galia Fomin.
56. I find that very shortly after his entry into the premises, Detective Sergeant Henrys located the body of a female, who was subsequently identified as Jacqueline Morrison, inside one of the white freezers located on the premises.
57. In accordance with the autopsy report prepared by forensic pathologist Dr Nigel Buxton, I find that there was a significant injury to the skull of Mr Wayne Walker due to a gunshot wound to the head. I find that the point of entry of that wound was the glabella, or area above the nose and between the eyes. I note the opinion provided by Dr Buxton that there was no evidence that a second person played a physical role in Mr Walker's death due to there being no evidence of any defensive wounds, and due to the location of the firearm. I find on the balance of probabilities that the gunshot wound to the head was self-inflicted.
58. I note that contained within the brief, which is Exhibit 1, there are a number of reports from biology, fingerprints and ballistics provided as a result of their investigations of the scene. I note that fingerprints attributable to Mr Walker were located on the freezer that held the body of Ms Morrison and that a knife that was located in a sheath in the kitchen drawer of the residence was the one used to kill Ms Morrison.

59. I note that when giving his direct evidence to this court it was raised with Detective Sergeant Henrys that debriefings conducted by the police had identified a number of issues in terms of the actions taken by police
60. The police are to be commended for endeavouring to analyse the incident with a view to doing things better in the future. A few issues were identified in this regard (none of which impacted on the facts of the deaths) and they have been addressed appropriately

Findings and Recommendations

61. Counsel assisting suggested at the outset of this inquest that one of the questions to be considered by me was whether there was anything that could have been done better by police in their response in relation to Mr Walker, who was at the time a person in the process of being taken into the custody or control of police.
62. I am satisfied on the basis of the investigation, exhibits and oral evidence that I have heard at this Inquest that the actions taken by the Northern Territory Police, including the Territory Response Group, was appropriate and their actions were conducted extremely well and in a timely fashion. I have no criticisms to make of the actions of the police in relation to this matter and consider that given the circumstances that they faced on this occasion, the actions taken by police were more than reasonable and appropriate. I have no recommendations to make arising from the proceedings of this Inquest.

Dated this 26th day of August 2008.

GREG CAVANAGH
TERRITORY CORONER