
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
ACT : CORONERS ACT 1996
CORONER : Sarah Helen Linton, Deputy State Coroner
HEARD : 19 JUNE 2025
DELIVERED : 27 MAY 2026
FILE NO/S : CORC 101 of 2023
DECEASED : GRAY, DAVID

Catchwords:

Nil

Legislation:

Nil

Counsel Appearing:

Ms S Markham assisted the Coroner

Ms A Miller (SSO) appeared for the Western Australia Police Force

Case(s) referred to in decision(s):

Nil

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Sarah Helen Linton, Acting State Coroner, having investigated the death of **David GRAY** with an inquest held at Kalgoorlie Courthouse, 208 Hannan Street, Kalgoorlie, on 19 June 2025, find that the identity of the deceased person was **David GRAY** and that death occurred on 22 September 2023 at Kalgoorlie Health Campus, 15 Piccadilly Street, Kalgoorlie, from gunshot injury to the abdomen in the following circumstances:*

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SUPPRESSION ORDER

On the basis it would be contrary to the public interest, I make an Order under s 49(1)(b) of the *Coroners Act* 1996 (WA) that there be no reporting or publication of any document or evidence that would reveal :

1. Police policies and standard operating procedures, tactics or training in relation to the use of force, including but not limited to firearms; or
2. The technical aspects of a taser or firearm, being their effective distance and effective positioning, limitations on their effective capabilities, and the effective method of deploying (including drawing or covering) a taser or a firearm.

INTRODUCTION

1. David Gray,¹ lived and worked in Kalgoorlie for much of his life. He was a devoted husband, father and grandfather at the time of his death. David had suffered some recent setbacks prior to his death, in particular the loss of his employment following a workplace incident, which had caused him to feel stressed about his finances. He was also apparently concerned about some possible health issues. However, he was about to start a new job and his health checks had found nothing sinister, so around the time of his death David's family believed he was generally happy and well. It has, therefore, been very hard for David's family to understand what drove David to take the steps he did on the day of his death in September 2023.
2. At 12.17 pm on Friday, 22 September 2023, WA Police received an anonymous call advising that a male person was in possession of a gun in the laneway between Whitlock Street and Hopetoun Street, South Kalgoorlie. Later enquiries established that David made the call. Three police constables from Kalgoorlie Police Station were dispatched to the location and when they arrived at the laneway they found David there in the lane. He was seated near a fence and was holding what appeared to be a revolver (the weapon). The police officers called on David to drop his weapon and surrender while unholstering their own police issued firearms.
3. David ignored the instructions of the police officers. He stood up, turned to face the officers and began walking towards them while holding the weapon in his right hand. The officers called on David to stop where he was and drop his weapon. Instead of stopping, he began to run towards them. While running, he raised the weapon and pointed it towards the police officers. Fearing for their lives, two of the police officers discharged their police firearms. The first officer fired once and missed. The second officer then fired twice in quick succession. The first shot missed, but the second shot struck David in the torso. He fell to the ground very close to the police officer who had fired the shot that struck him.
4. The three police officers immediately provided first aid to David, who had a visible bullet wound to the lower right-hand side of his rib area. David was conscious and able to speak. He could be heard saying, "Let me die," but the officers continued to provide first aid until SJA paramedics arrived. The paramedics took David to Kalgoorlie Health Campus for emergency medical treatment. Once at the hospital, it quickly became apparent that David had suffered an unsurvivable gunshot injury. All medical intervention was ceased and his death was certified by a doctor at 1.22 pm. An examination confirmed he had died from a gunshot injury.
5. Given David's death was caused by an action of a police officer, an inquest was deemed to be mandatory, pursuant to s 22(1)(b) of the *Coroners Act 1996* (WA).
6. I held an inquest in Kalgoorlie on 19 June 2025. The key events were captured by the bodyworn camera (BWC) footage from the officers involved, so there was nothing particularly contentious about what occurred in the sequence of events. The main focus of the inquest was to consider the reasonableness of the actions of the police

¹ I will refer to him as David in the inquest finding at the request of his family.

officers and whether there was anything else they could have done to avoid this tragic outcome. Consideration was also given to whether information could be found to explain why David took the drastic steps that he did to bring about his own death in such as a way.²

BRIEF BACKGROUND

7. David was born on 23 January 1965 in South Australia; the surviving twin of twin boys. He grew up with his parents, three older sisters and brother. When David was still very young, most of the family moved to Western Australia for his father's work. They eventually settled in Carnarvon, where David completed his schooling. David was described as an easy-going, reliable child who never got into trouble.³
8. While living in Carnarvon, David's father passed away. David was only 12 years old and he was a great comfort to his mother during this difficult time. They enjoyed road trips together to visit family members in other parts of and even a trip to England to visit the rest of his family's home country.⁴
9. David's brother, William (Bill), apparently died by way of suicide with a firearm in his family home, which no doubt negatively impacted on David.⁵
10. After finishing high school, David studied at the Kalgoorlie School of Mines, boarding at the Agricola College. It was while studying there that he met his wife Margaret, and they were together for over 39 years after their first meeting at a friend's birthday party in 1984. David proposed and they married in July 1985. They started their family with the birth of their first child in 1986 and ultimately had four children together. David loved his children unconditionally and would do anything for them. They later became grandparents and David was also devoted to his six grandchildren. He sadly didn't live long enough to meet his seventh grandchild.⁶
11. Once qualified, David had found work as a senior mine surveyor for several mining companies. In his spare time, he enjoyed spending time with his family and fixing up Ford Falcon XC Cobras, his other great love.⁷
12. In 2005, David decided to make a career change due to some health issues and he became an underground shift supervisor. He worked at several different mine sites, eventually coming back full circle to the company where he had first started his mining career. He was described by his family as a considerate and caring colleague with a sense of fun but always with a focus on the safety and wellbeing of his team.⁸

² Sections 22(1)(a) and 25(3) *Coroners Act 1996* (WA).

³ Exhibit 1, Tab 7 and Tab 19.2.

⁴ Exhibit 1, Tab 19.2.

⁵ Exhibit 1, Tab 7.

⁶ Exhibit 1, Tab 7 and Tab 19.1.

⁷ Exhibit 1, Tab 19.1.

⁸ Exhibit 1, Tab 7 and 19.1.

13. Overall, David appeared to lead a happy, full life encompassing his loving extended family, strong work ethic and ongoing passion for Cobra cars. Unfortunately, in the months prior to his death, David suffered some adverse events that seem to have changed his outlook on life.

MEDICAL INVESTIGATIONS AND JOB LOSS

14. David was terminated from his employment in July 2023 due to an incident that occurred on shift that breached the company's conduct and safe work procedures. It was a significant blow to David and his wife believed David became depressed for a time, but he was hopeful of getting another position quickly through his contacts. After unsuccessfully applying for a number of jobs, David began to become more concerned about their financial situation. However, prior to his death, David had been offered a new position, to commence on 28 September 2023, and he was undergoing the necessary pre-employment health checks.⁹
15. David saw a GP at a medical centre in Kalgoorlie. David had a prior history of cardiac issues and pulmonary embolism and he had undergone investigations for abdominal pain and gastrointestinal issues for a number of years prior to his death. In 2023 he was continuing to experience significant discomfort and had been counselled to try to improve his diet and lifestyle to try to alleviate some of his symptoms.¹⁰
16. Leading up to starting his new job, David underwent pre-employment health testing at a medical practice in Boulder. Some abnormal results prompted him to see his regular GP for investigation of his prostate. His doctor deemed him fit to commence his new employment, although it was noted he was pre-diabetic and needed to manage it with lifestyle and diet modification. On 15 September 2023 he returned to see his GP and was told he had a possible enlarged prostate, which would require further investigation as to whether there was any malignancy present. He died before further testing could be completed, but with the benefit of hindsight it is clear these health issues were preying on David's mind.

POLICE ATTENDANCE

17. On the morning of Friday, 22 September 2023, Margaret woke up at 6.00 am and got ready for work while David got dressed into black shorts and t-shirt and sorted out their dog. Margaret recalled the morning was ordinary, the same as any other Friday. As she left the house at about 7.25 am, she spoke to David regarding his plans for the day and their dinner plans. She recalled he seemed upbeat and excited about starting work again. Margaret received an email around 12.57 pm that day regarding David's new job and proposed induction. She sent him a text message in relation to the email but he did not respond. She did not know that by this time David was seriously injured.¹¹

⁹ Exhibit 1, Tab 2 and Tab 7.

¹⁰ Exhibit 1, Tab 7 and Tabs 16 to 17.

¹¹ Exhibit 1, Tab 2 and Tab 7.

18. Based upon some CCTV footage from David's home, it seems David had gone out in his car at 11.02 am and he returned home at 11.34 am. He then left the house again on foot through a side gate at 12.13 pm.¹²
19. At 12.17 pm a male person had contacted police via the 131 444 call service. The caller identified themselves as David Gray, although it seems his surname was misheard and incorrectly entered by the call taker as 'Row' at the time. David declined to supply a contact telephone number. He advised police that a light-skinned male person dressed in a black t-shirt and shorts was in possession of a gun in the laneway between Whitlock Street and Hopetoun Street in South Kalgoorlie. When asked if he knew who the male was, or what he was doing with the gun, David replied, "Nothing at the moment."¹³ He ended the call with a request to the call taker to, "Just send someone."¹⁴
20. A police vehicle was dispatched immediately. Three police officers from Kalgoorlie Police Station were in the vehicle: Constable Scott McShera, Constable Aaron Josephsen and Constable Harry Richardson. Constable Josephsen had been a WA police officer the longest out of the trio, having been a police officer since August 2020, followed by Constable McShera in June 2021 and Constable Richardson in September 2022. Constable McShera was driving and the other two police officers were passengers. All three officers were kitted out in standard police equipment, including tasers and a police issue firearm, along with body armour and BWC equipment.¹⁵
21. The officers were aware from the computer aid dispatch (CAD) that the job involved a possible armed offender. They were not aware at that time that David had called in the report about himself. The officers attended with lights and sirens activated on the vehicle, but Constable McShera deactivated the lights and sirens as they drew close to the area, and they began to conduct patrols on the streets and laneways, looking for the armed male.¹⁶
22. After initially being unable to locate the suspect, the officer began to suspect the report might be a hoax. A report of a firearm-related incident was unusual in Kalgoorlie and they noted the location was next to a school and around lunchtime, so there was a possibility it had come from a student. However, as they were patrolling down Lionel Street, Constable McShera looked to his left and saw a person matching the description, later identified as David, sitting down in the laneway between Whitlock and Davidson Street. He activated the police car lights, conducted a u-turn and drove the police car into the laneway, parking about 25 to 30 metres back from where David was sitting on something in the laneway, with his back against the fence.¹⁷

¹² Exhibit 1, Tab 7 [140] - [142].

¹³ Exhibit 1, Tab 11, p. 2 and Tab 12.

¹⁴ Exhibit 1, Tab 11, p. 3 and Tab 12.

¹⁵ Exhibit 1, Tabs 8 to 10.

¹⁶ T 10 - 11; Exhibit 1, Tab 12.

¹⁷ T 11, 28 - 29; Exhibit 1, Tabs 8 to 10 and Tab 15.

23. It is apparent from the BWC footage that the subsequent events occurred very quickly, with the timing from the police car arriving to David being shot happening in a very short space of time. One investigator estimated the whole incident took approximately 33 seconds. It was, therefore, a very rapid and unusual scenario the officers faced.¹⁸
24. The three police officers observed that David was holding what appeared to be a black revolver, which was consistent with the report they had received that the suspect was armed. They acknowledged to each other that they could see a gun and Constable Josephsen communicated this information over the police radio. The three officers then got out of the police car and drew their own firearms, while giving the command to David to drop his gun and not to move towards the police. The officers explained in evidence they drew their firearms given the perceived level of threat presented to themselves by the gun, but they were also trying to talk him down, with the hope they could de-escalate the threat in that way.¹⁹
25. David ignored the commands to drop the firearm and instead of remaining still, he stood up and turned to face the police officers while holding the firearm in his right hand, pointed down by his side. He then began to walk towards the police vehicle. Constable McShera made it very clear in his instructions to David that if he pointed the gun at the police, they would shoot him in response, and urged him to put the gun down, but David continued to move forwards towards them, still holding the gun. The potential threat to the officers obviously increased as he drew closer to them, although while he held the gun by his side it seems the threat appeared less imminent.²⁰
26. The police officers kept their firearms drawn and pointed at David as he approached them. They were initially in front of the police car, but they had moved backwards to try to keep a reasonable distance between them and give more space and time to resolve the situation. They used the police vehicle to create a barrier between them and continued to tell David to drop the gun, but he ignored the police officers as he walked quickly towards them.²¹
27. Constable McShera was positioned on the driver's side and the other two officers were on the passenger side of the police vehicle. Constable Josephsen was standing next to the front passenger door and he closed the car door as David approached him and then adopted a firing stance. David appeared to be staring at him and walking in his direction. Constable Josephsen gave evidence he didn't want to shoot David, so he took a couple of steps back and continued to use the police car as cover. As he reached the rear left quarter of the police vehicle, with Constable Richardson behind him, Constable Josephsen observed David appeared to shift his focus towards Constable McShera, who was still on the driver's side of the police vehicle on his own. Constable Josephsen saw David begin to run towards Constable McShera and at this same time he saw David begin to raise his firearm.²²

¹⁸ T 53.

¹⁹ T 12 - 13; Exhibit 1, Tabs 8 to 10 and Tab 15.13.

²⁰ Exhibit 1, Tab 8.

²¹ T 12 - 13; Exhibit 1, Tabs 8 to 10.

²² T 30 - 31; Exhibit 1, Tab 8 and Tab 9.

28. Constable Josephsen perceived an imminent risk of death or harm to himself, Constable McShera and Constable Richardson at that time. In particular, he considered his colleague Constable McShera was in imminent danger, so he took a couple of steps forward and fired his police firearm at David. Constable Josephsen gave evidence he fired at the last possible opportunity before there was an obstruction in the way. He discharged his firearm once, aiming at David, but the projectile did not strike David and lodged in a nearby property, not causing harm to anyone.²³
29. Unharmed by Constable Josephsen's shot, David continued to move towards the driver's side door in the direction of Constable McShera. Constable McShera had heard the discharge of Constable Josephsen's weapon, although at that time he didn't know who had fired. Constable McShera was behind the driver's side door, with the window down, and David was moving towards him. Constable McShera formed the impression David looked directly at him and chose to come towards him at that stage. As David moved to the front of the bonnet of the police car, Constable McShera could see David was raising the gun, still in his right hand, and he also appeared to be lifting up a lighter in his other hand, although Constable McShera's focus was on the gun. The overt action of David raising the gun changed Constable McShera's assessment of the level of imminent risk to himself and others and in response, Constable McShera fired his police issue firearm.²⁴
30. The first shot contacted the top of the open driver's side door and then struck a metal fence nearby, missing David. Constable McShera did not know if the shot had connected but he observed David's body coming into contact with the open driver's side door. A still image shows David is very close to Constable McShera. It was apparent that the threat posed by David had not been reduced, so Constable McShera then fired a second round. The second shot struck David's body in the abdomen. Immediately after being struck by the projectile, David begins to fall forwards against the police car driver's door. As he fell, the weapon in his hand was clearly visible.²⁵

RESPONSE AFTER SHOOTING

31. David fell to the ground after being shot. The impact led him to drop his weapon into some bushes in the laneway. It was apparent David was wounded. Constable McShera still had his firearm drawn and he was covering David on the ground to ensure that he was no longer a threat but he quickly holstered his weapon. Constable Josephsen came around the vehicle and recovered David's weapon so it no longer posed a threat. The officers quickly checked David for any further weapons, but found none.²⁶

²³ T 31 - 32; Exhibit 1, Tab 2.

²⁴ T 13 - 16, 23; Exhibit 1, Tab 2, Tab 8 and Tab 15.13.

²⁵ T 14; Exhibit 1, Tab 2, Tab 8 and Tab 15.13.

²⁶ Exhibit 1, Tab 8 and Tab 15.13.

32. Having satisfied themselves that the threat posed by David was now reduced and controlled, the police officers then quickly transitioned to providing emergency first aid to David. Constable McShera put on gloves and searched David's body for gunshot wounds. He identified one wound to the mid righthand side of David's abdomen and noted some blood oozing from the wound. A seal was applied to the entry wound and the officers then turned David over to see if they could see a bullet wound from the first shot, or an exit wound. They did not locate either.²⁷
33. While the police officers were providing David with first aid, he was conscious and able to speak. On the bodyworn camera footage, David can be heard stating, "Let me die!"²⁸ and the police officers recalled hearing David say this more than once as they tended to his wound. Constable McShera responded that he was not going to let him die and asked for his name, but he did not get much of a response.²⁹
34. They could smell a strong odour of petrol at this time and Constable McShera observed a yellow lighter on the ground. He initially thought the police car might be leaking fuel, but it then became apparent that David was the source of the fuel smell. Constable Josephsen walked back up the laneway and observed that David had been sitting on a 20 litre fuel cannister, and he could smell unleaded fuel in its vicinity. A mobile phone was nearby. Constable Josephsen attempted to clear David's weapon, but he found there were no bullets inside. It still looked and felt like a real firearm, but Constable Josephsen was now unsure if it was a real gun or not and it was apparent in any event it could not have been fired as there were no bullets. He secured the item in the police vehicle so that it could be examined by forensics and ballistics investigators later.³⁰
35. Constable Josephsen gave evidence that he realised at this time that David may have been attempting to induce the police to shoot him, rather than actually posing a threat to the officers. This impression was reinforced by the presence of fuel and the lighter found by David's side, suggesting he may have considered suicide by fire with an accelerant as well.³¹
36. It was noted on the Incident Report that the person of interest had been shot at 12:28:19 and SOCC had notified St John Ambulance (SJA) at 12:28:34.³² The SJA Patient Care Record indicates the ambulance took six minutes to reach the scene after receiving the call at 12.28 pm. In the meantime, other police officers arrived at the scene, bringing a defibrillator and assisting with emergency first aid. The defibrillator was applied just before the ambulance arrived. Upon their arrival, the SJA crew noted David was being cared for by police officers and defibrillation pads were in situ. They also noted there was a noticeable smell of petrol present. David went into cardiac arrest shortly after the SJA crew arrived. He was quickly moved into the ambulance and CPR was commenced. He was then quickly transported by

²⁷ T 16 - 17; Exhibit 1, Tabs 8 to 10 and Tab 15.

²⁸ Exhibit 1, Tab 2, p. 3.

²⁹ T 17; Exhibit 1, Tabs 8 to 10.

³⁰ T 32 - 34; Exhibit 1, Tab 8 and Tab 9.

³¹ T 33 - 35.

³² Exhibit 1, Tab 12.

ambulance to Kalgoorlie Regional Hospital, where he was transferred into the care of doctors in the Emergency Department.³³

37. David was provided with urgent medical intervention at the hospital, but it quickly became evident his injury was unsurvivable. All medical efforts were then ceased and his death was certified at 1.22 pm.³⁴
38. David's likely identity was established shortly after he was shot. It became apparent the incident had occurred in the laneway behind his family home and as news spread, family members quickly became aware and returned home. David's wife Margaret had attended the hospital later that day and formally confirmed David's identity.³⁵

CAUSE OF DEATH

39. Forensic Pathologist Dr Victoria Kueppers performed a post-mortem examination on 28 September 2023. Dr Kueppers noted evidence of CPR efforts and a single gunshot entry wound was located on the right side of the upper abdomen. No exit wound was present and the bullet was located underneath the skin in the left posterior flank region. There was associated injury and bleeding in the abdomen.³⁶
40. Significant underlying natural disease was not readily apparent. However, microscopic examination found features in keeping with benign prostatic hyperplasia (with some possible low grade malignancy in a few glands). Further, the thyroid gland showed chronic inflammation in keeping with chronic lymphocytic thyroiditis and a nodule was present, in keeping with thyroid cancer.³⁷
41. Neuropathological examination found no features of recent traumatic brain injury and toxicological analysis did not detect medications, alcohol or common illicit drugs.³⁸
42. At the conclusion of these investigations, Dr Kueppers formed the opinion that the cause of death was gunshot injury to the abdomen. I accept and adopt Dr Kueppers' opinion as to the cause of death.

CRITICAL INCIDENT INVESTIGATION

43. Given the circumstances of David's death, the incident was deemed to be a critical incident involving police.

³³ Exhibit 1, Tab 8 and Tab 14.

³⁴ Exhibit 1, Tab 2.

³⁵ Exhibit 1, Tab 2, Tab 3 and Tab 12.

³⁶ Exhibit 1, Tabs 4 to 6.

³⁷ Exhibit 1, Tabs 4 to 6.

³⁸ Exhibit 1, Tabs 4 to 6.

Homicide Squad Investigation

44. Officers from the WA Police Major Crime Division - Homicide Squad were designated the lead investigative role and the Homicide Squad commenced an investigation codenamed Operation Florida to determine whether any person ought to be charged in relation to causing David's death. The BWC footage of all three officers was reviewed and a scene examination was conducted. Later all three officers were also interviewed. All the evidence was consistent as to the sequencing of events and the objective evidence supported the accounts of the officers that they were in fear for their lives immediately before they fired their weapons.³⁹
45. Based upon the BWC footage, it was identified that David was shot as he ran towards the three police officers with his weapon pointed towards them. He was shot and fatally wounded by the second discharge of Constable McShera's police issue firearm. Constable McShera indicated he discharged his firearm while fearing for his life, believing the weapon brandished by David was a real firearm. However, when the weapon was analysed by Forensic Ballistic Investigators, it was determined to be a replica firearm. David's wife Margaret recalled the replica gun had belonged to her brother and they had been given it after his death. They had kept it for sentimental reasons and it was stored in a wardrobe out of sight. I have seen photographs of the weapon and it is quite realistic, so I can understand why in the immediacy of the moment it would have appeared to be a real threat to the police officers.⁴⁰
46. Margaret also advised the police they had several petrol canisters stored in their garage for use on gardening implements and cars and it would seem this was the source of the petrol jerry can David had with him in the lane.⁴¹
47. Police officers executed a search warrant at David's house as part of the investigation. They found an open bottle of rum and a used shot glass, suggesting David may have had a drink to perhaps bolster his courage to follow through with his plan. He then placed some personal items in a nearby council bin before going to the lane.⁴²
48. Investigators also interrogated David's Samsung tablet and his mobile telephone. The Samsung tablet revealed that David had been worried about finances since losing his job and had been negotiating to sell one of his beloved cars. He had also conducted repeated searches in relation to his health concerns and it is clear he was very concerned he had prostate cancer and was worried how that would also impact on his finances. David had lost a close friend to colon cancer in 2017 and it seems the memory of his friend's quick trajectory may have been on David's mind.⁴³
49. Margaret told police she had discussed their finances with David in the weeks prior to his death. She had felt more positive than him about their financial state as they were managing on her salary and he was about to start his new job. As a result, she

³⁹ Exhibit 1, Tab 2.

⁴⁰ Exhibit 1, Tab 2 and Tab 7; Exhibit 2.

⁴¹ Exhibit 1, Tab 7.

⁴² Exhibit 1, Tab 2.

⁴³ Exhibit 1, Tab 2 and Tab 7.

had not thought it was necessary for David to sell one of his cars, even though the restoration of one of them had been costly and somewhat stressful. Margaret had talked him out of following through with the sale as she knew how much his cars meant to him. They had agreed to cut back on spending on luxuries such as takeaway foods in an effort to preserve their funds, and she had thought things were progressing well in relation to his new employment, which would have eased any financial worries. Margaret was aware David had been waiting for the results of his prostate testing but she had not thought he was overly concerned and there were no other significant events that would have caused him unusual distress. David had no history of self-harm or suicidal thoughts and he did not show any outward signs of suicidality or give her any indication of what he was planning, noting Margaret has some training on suicide prevention and warning signs through her employment. David's actions on this particular day came "completely out of the blue"⁴⁴ from his family's perspective.⁴⁵

50. Detective Sergeant Brendon Shanahan prepared a report for the coroner in relation to the Homicide Squad investigation. Detective Sergeant Shanahan concluded there was no doubt that Constable McShera fired the shot that killed David, in the course of David running towards him while brandishing what appeared to be a firearm. The evidence pointed to the conclusion David had formed an intention that he no longer wished to live and he had formulated a strategy where he would make a report to police about a male with a gun, knowing police would attend the call with appropriate force options available to them to deal with that threat, including lethal force. Upon being challenged by the police officers, he escalated his actions to prompt the officers to draw their firearms and defend themselves. The investigation established there was significant evidence that the three officers perceived a genuine threat to their lives when two of them discharged their firearms and they acted lawfully in self-defence, pursuant to s 248 of the *Criminal Code*.⁴⁶

Internal Affairs Unit Investigation

51. In tandem with the Homicide Squad Investigation, the WA Police Force Internal Affairs Unit (IAU) examined the actions of the officers involved to determine any non-compliance with WA Police policy and the Code of Conduct. Mr John Morrison, the Capability Advisor for Use of Force for the Operational Skills Training Facility at the WA Police Academy, was consulted by IAU as part of this investigation. Mr Morrison provided a detailed report, which considered the accounts of the officers involved and objective evidence such as the BWC footage in relation to their use of a firearm to reduce the threat, and to gain control, on Friday, 22 September 2023. The conduct of all three officers was considered, given all three police officers drew their firearms, with further particular attention given to the discharge of the firearms by Constable Josephsen and Constable McShera.⁴⁷

⁴⁴ Exhibit 1, Tab 7 [177].

⁴⁵ Exhibit 1, Tab 2 and Tab 7.

⁴⁶ Exhibit 1, Tab 2.

⁴⁷ T 46 - 48; Exhibit 1, Tab 15.

52. In assessing the appropriateness of the officers' use of force, Mr Morrison proceeded on the basis the officers reasonably believed the firearm David was holding was a real firearm, although it was later established to be a replica firearm. All officers involved were found to be qualified and contemporary in relation to their Critical Skills training qualifications. That training includes guidance on the use of police issued firearms as a tactical option to reduce a threat and to gain control of a subject.⁴⁸
53. After closely reviewing the BWC footage from each officer, along with consideration of their accounts of the events from their perspective, Mr Morrison concluded the actions of all three police officers were aligned with the WA Police Force Use of Force policy, training and guidelines. The actions of the officers in drawing their police firearms, and two of the officers then discharging their firearms, was deemed to be reasonably necessary and appropriate in the circumstances that presented to them on this day.⁴⁹
54. Detective Sergeant Perejmbida from the IAU considered the report of the subject matter expert Mr Morrison, along with the report of the Homicide Squad and other relevant materials, and concluded all three police officers involved in this dynamic incident acted in accordance with WA Police Force policy, training and guidelines and their actions in this instance were justified, lawful and proper given the threat that presented to them. This conclusion was accepted and no managerial action was taken against any of the officers involved.⁵⁰
55. Detective Sergeant Perejmbida commented in his evidence that although police officers have experience with weapons and are trained to think critically and respond appropriately in difficult situations, very few officers will actually have an experience such as that which faced these three officers on this day. He observed that "until somebody is coming at you with a firearm and you fear for your life, you probably don't know how you're going to act," so it is an unusual event for these three relatively junior officers to have faced and he believes the memory of it will remain with them for the rest of their careers.⁵¹

MANNER OF DEATH

56. Detective Sergeant Perejmbida noted at the conclusion of his report that the evidence supported the conclusion David had intended on this day for police to shoot him or for him to die by some other means at that time. This was reflected in his behaviour in making the call to police reporting an armed person and then presenting a replica firearm to the attending officers in such a way that it would appear to them that he was armed with a firearm and presented an imminent threat to them. It was ascertained after he was shot that he had splashed his clothes with some fuel from the fuel container he took into the laneway and he had a cigarette lighter near him, suggesting he may have also considered immolation as a means of death if his plan to

⁴⁸ Exhibit 1, Tab 15.13

⁴⁹ Exhibit 1, Tab 15.13.

⁵⁰ T 52 - 53; Exhibit 1, Tab 15.

⁵¹ T 52.

induce the police officers to shoot him failed. His comments to the police officers, captured on the BWC footage, to “Let me die” as they tried to treat him, were also consistent with his intention to end his life at that time.⁵²

57. Although he hadn’t disclosed his thoughts to his wife and other family members, there is evidence David was concerned about his health and how a diagnosis might affect his new employment, which would impact negatively on the couple’s financial situation if he couldn’t start in his new role for health reasons. David’s behaviour on the morning of his death appears to suggest he was trying to put some things in order prior to making the call to police, for the sake of his family, knowing that he intended to bring about his own death.
58. Considering all of the evidence before me, I am satisfied that David formed an intention to end his life. His plan was to create a situation that would cause police officers to shoot him. If that plan failed, he likely would have taken other steps to end his life by setting himself on fire. Accordingly, although he was shot by a police officer, and a finding of lawful homicide is available, in these particular circumstances I find that David died by way of suicide.

CONCLUSION

59. David Gray was 58 years old at the time of his sudden death. He and his wife had recently celebrated 38 years of loving marriage and together they doted on their children and grandchildren. Unfortunately, David’s mental health deteriorated prior to his death and he began having suicidal thoughts, which he did not disclose to his family. Worried about whether he might have prostate cancer, and feeling concerned that this might stop him starting a new job, David made a fateful decision to create a situation where police officers would shoot him in self-defence.
60. David’s actions have impacted not only upon his wife and extended family, but also upon the police officers who were placed in a frightening situation and forced to take actions that led to his death. Although this is what police are trained to do when necessary, the focus of their training is upon de-escalating situations without taking a life. I have no doubt the impact of David’s sudden death has been significant for all three officers involved, although most significantly for Constable McShera. Constable McShera gave evidence this was the first time he had ever drawn his firearm as a police officer and he was in disbelief in the moments afterwards and found it hard to process what had happened.⁵³ Constable Josephsen had also never drawn his weapon until that day. I understand that all of the officers involved have received good support in the aftermath and continue to perform their duties as police officers to this day, but I imagine it will remain a difficult memory for all of them.
61. David’s wife Margaret and other family members attended the inquest in Kalgoorlie. I hope attending the inquest and hearing and seeing the evidence of the police officers about the events on the day has helped them to understand that David

⁵² Exhibit 1, Tabs 8 to 10 and Tab 15.

⁵³ T 18.

deliberately left the police officers with no choice but to defend themselves on this day.

62. I made it clear at the conclusion of the inquest that I would not be making any adverse comments in relation to the actions of the police officers and that I accepted the conclusions of the Homicide Squad and IAU reports. I also make no comments or recommendations in relation to the WA Police Force policy or guidelines in relation to Use of Force. I am satisfied this was a very sad instance of a man struggling with mental health issues who deliberately made the terrible choice to put himself in a position where he was likely to die at the hands of police. Difficult as it may be to understand David's frame of mind, it is clear from the evidence he made a conscious choice to die in the laneway that day, one way or another.
63. In her eulogy at David's funeral, Margaret spoke eloquently about the importance of checking in with family, friends and colleagues regularly and letting them know that it is "OK to not be OK all the time."⁵⁴ David's family carry his memory with them always, and it is in his memory that they encourage others to support each other and be alert to even small changes that might indicate that a loved one might need some extra help. It is an important message for all of us to reflect upon and something positive that can be taken from this very sad case.

S H Linton
Acting State Coroner
26 MAY 2026

⁵⁴ Exhibit 1, Tab 19.1, p. 3.