
JURISDICTION : CORONER'S COURT OF WESTERN AUSTRALIA
CORONER : MICHAEL ANDREW GLIDDON JENKIN, CORONER
HEARD : 25 SEPTEMBER 2024
DELIVERED : 22 OCTOBER 2024
FILE NO/S : CORC 2519 of 2022
DECEASED : SQUIRES, DANE LINDON

Legislation:

Coroners Act 1996 (WA)

Cases:

Briginshaw v Briginshaw (1938) 60 CLR 336

Counsel Appearing:

Mr W Stops appeared to assist the coroner.

Ms K Dias and Mr C Madondo (State Solicitor's Office) appeared for the Western Australia Police Force.

SUPPRESSION ORDER

On the basis that it would be contrary to the public interest, I make an Order under section 49(1)(b) of the *Coroners Act 1996* that there be no reporting or publication of any document or evidence that would reveal police policies and standard operating procedures, tactics, or training methods in relation to the use of force, including, but not limited to, firearms.

Order made by: MAG Jenkin, Coroner (25.09.24)

Coroners Act 1996
(Section 26(1))

RECORD OF INVESTIGATION INTO DEATH

*I, Michael Andrew Gliddon Jenkin, Coroner, having investigated the death of **Dane Lindon SQUIRES** with an inquest held at Perth Coroners Court, Central Law Courts, Court 85, 501 Hay Street, Perth, on 25 September 2024, find that the identity of the deceased person was **Dane Lindon SQUIRES** and that death occurred on 11 September 2022 at 60 MacDonald Avenue, Padbury, from gunshot injury to the chest in a man with sharp force injuries to the neck and limbs in the following circumstances:*

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INTRODUCTION

1. Dane Lindon Squires (Mr Squires) was 35 years of age when he died on 11 September 2022. Mr Squires had assaulted a friend, and his housemate called emergency services to request an ambulance. Police attended to provide support, and when Mr Squires ran at the officers armed with a large kitchen knife, he was fatally shot in the chest.^{1,2,3,4,5,6,7,8,9,10,11}
2. Under the terms of the *Coroners Act 1996* (the Act), Mr Squires' death was a "reportable death". Pursuant to section 22(1)(b) of the Act, because Mr Squires death may have been caused by a member of the Western Australia Police Force (the Police), a coronial inquest is mandatory.¹² Section 22(1)(b) of the Act is enlivened whenever the issue of causation or contribution in relation to a death arises as a question of fact, irrespective of whether there is any fault on the part of any member of the Police.¹³
3. I held an inquest into Mr Squires' death in Perth on 25 September 2024. The documentary evidence adduced at the inquest comprised one volume, and the inquest focused on the circumstances of Mr Squires' death as well as the actions of attending police officers. The following witnesses gave evidence:
 - a. Mr Adrian Zalovic (Mr Squires' housemate);
 - b. Sen. Const. Joshua Van Der Munnik,¹⁴ (Attending police officer);
 - c. Sgt. Darren Mackellar,¹⁵ (Attending police officer);
 - d. Det. Sen. Sgt. Greg McDonald (Homicide Squad investigation officer);
 - e. Mr Chris Markham (Police use of force expert); and
 - f. Det. Sgt. Simon Nichols (Internal Affairs Unit investigation officer).

¹ Exhibit 1, Vol. 1, Tab 1, P100 - Report of Death (04.06.24)

² Exhibit 1, Vol. 1, Tab 2, P98 - Mortuary Admission Form (11.09.22)

³ Exhibit 1, Vol. 1, Tab 3, Life Extinct Certification (11.09.22)

⁴ Exhibit 1, Vol. 1, Tab 4, P92 - Identification of deceased by Visual Means (11.09.22)

⁵ Exhibit 1, Vol. 1, Tab 4.1, P92 - Identification of deceased Other by Visual Means (15.09.22)

⁶ Exhibit 1, Vol. 1, Tab 4.1, Coronial Identification Report (15.09.22)

⁷ Exhibit 1, Vol. 1, Tab 4.1, Affidavit - Sen. Const. D Ryan (15.09.22)

⁸ Exhibit 1, Vol. 1, Tab 4.1, Affidavit - Sen. Const. W Pugh (15.09.22)

⁹ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24)

¹⁰ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24)

¹¹ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23)

¹² Sections 3 & 22(1)(b), *Coroners Act 1996* (WA)

¹³ Section 22(1)(b), *Coroners Act 1996* (WA)

¹⁴ At the relevant time, Officer Van Der Munnik was a First Class Constable

¹⁵ At the relevant time, Officer Mackellar was a Senior Constable

4. When assessing the evidence in this matter I have been mindful of two key principles. The first is the phenomenon known as “hindsight bias”, which is the common tendency to perceive events that have occurred as having been more predictable than they actually were.¹⁶
5. The other principle with which I must engage is known as “the Briginshaw test”. This principle is derived from a High Court judgment of the same name in which Justice Dixon said:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters “*reasonable satisfaction*” should not be produced by inexact proofs, indefinite testimony, or indirect inferences.¹⁷

6. In a nutshell, the Briginshaw test requires that the more serious the allegation, the higher the degree of probability that is required before I can be satisfied as to the truth of that allegation. Later in this finding I will apply the Briginshaw test to my analysis of the actions of the police officers who attended Mr Squires’ home on 11 September 2022.

¹⁶ See for example: www.britannica.com/topic/hindsight-bias

¹⁷ *Briginshaw v Briginshaw* (1938) 60 CLR 336 per Dixon J at 362

MR SQUIRES

*Background*¹⁸

7. Mr Squires was born on 17 May 1987 and was 35 years of age when he died. Mr Squires had one sibling, and he completed his schooling in Tasmania. He excelled at sport, including swimming and motocross, and after finishing school Mr Squires completed a plumbing apprenticeship. He was employed in a variety of positions, including as a fly-in fly-out worker (FIFO) in the coal mining industry.
8. Mr Squires was described as “*a hard worker*” and as someone who “*always did well at things he turned his mind to*”. According to his mother, while Mr Squires was working on a FIFO basis he began using methylamphetamine, and his behaviour began to change for the worse. Whilst using illicit drugs, Mr Squires exhibited paranoid behaviour, and although he was not a violent person “*he knew he had a bad temper*”.
9. Mr Squires was reported to have been deeply affected by his father’s death in February 2019. Although Mr Squires was prescribed medication (escitalopram) for anxiety, he had never expressed suicidal or self-harm ideation. Mr Squires’ medical history also included asthma, which was diagnosed when he was a child, and which was well controlled.
10. Mr Squires was a heavy smoker of tobacco cigarettes, and although he was strongly advised to cease smoking due to the risk of developing chronic obstructive airways disease, when he was seen by a GP in August 2022, Mr Squires reported smoking one packet of cigarettes daily.^{19,20}
11. At the time of his death, Mr Squires was working on a FIFO basis and was away for several weeks at a time. He lived in Padbury with a housemate (Mr Adrian Zalovic), who he had known for about five months. Although he did not see much of Mr Squires (who was often away at work) Mr Zalovic described Mr Squires as a courteous and polite person.²¹

¹⁸ Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 7-71

¹⁹ Exhibit 1, Vol. 1, Tab 29, Medical Records - Ocean Reef Medical Centre

²⁰ Exhibit 1, Vol. 1, Tab 30, Joondalup Health Campus Progress Notes (02.08.22)

²¹ ts 25.09.24 (Zalovic), pp5-6

12. On 2 August 2022, Mr Zalovic took Mr Squires to Joondalup Health Campus (JHC) after he (Mr Squires) used methylamphetamine and gamma hydroxybutyrate (a depressant drug commonly referred to as GHB). When assessed Mr Squires denied any self-harm or suicidal ideation, and following a lengthy discussion about his polysubstance use, he said did not intend to use illicit drugs again. Mr Squires declined a referral to rehabilitation services and was discharged home.²²
13. Mr Zalovic said that at some point, it seemed clear to him that Mr Squires had started taking illicit drugs. Further, although Mr Squires had never mentioned any suicidal or self-harm ideation, on one occasion he did disclose that he had been diagnosed with depression and anxiety.²³

Offending history^{24,25}

14. Mr Squires was incarcerated in Tasmania for 12-months in 2017, after he was convicted of assaulting a man outside a hotel. In about November 2019, Mr Squires told his mother that he had been drinking at a golf club and “*had gotten really drunk and some cars had been stolen and that he was being blamed for it*”. Although Mr Squires reportedly spoke with police the next morning, it appears he was never charged in relation to any alleged offence relating to the events of the night before.^{26,27}
15. At the time of his death, Mr Squires was on bail after he had been charged in Perth with four counts of assaulting a public officer, and one count of failing to comply with a request to provide his personal details. The assault offences related to Mr Squires allegedly throwing a police bicycle at three officers, and then kicking another officer as he (Mr Squires) was being placed into a police vehicle.²⁸
16. The circumstances of the three alleged assaults relating to police being struck by a bicycle are as described in police statement of facts documents which are in similar terms for each of the alleged offences.
17. The following extract is taken from one of those statement of facts:

²² Exhibit 1, Vol. 1, Tab 30, Joondalup Health Campus Progress Notes (02.08.22)

²³ ts 25.09.24 (Zalovic), pp6-7

²⁴ Exhibit 1, Vol. 1, Tab 32, Court Outcomes History - Criminal and Traffic

²⁵ Exhibit 1, Vol. 1, Tab 28 - Warrants and Arrest report

²⁶ Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 69-76, 91-94 & 119-125

²⁷ Exhibit 1, Vol. 1, Tab 28 - Warrants and Arrest report

²⁸ Exhibit 1, Vol. 1, Tab 32, Court Outcomes History - Criminal and Traffic

At about 5.15 am on Wednesday 9 February 2022, the accused was involved in an altercation on James Street Northbridge. When Police turned their back to deal with other people involved in the altercation, the accused picked up a Police bicycle above his head and slammed the bicycle with force in the direction of Police.

At the time Police had their backs to the accused and were knelt on the ground dealing with another suspect and were unable to defend or take evasive action to prevent being struck by the bike. The bicycle hit (a named police officer) in the neck.

The impact caused immediate pain to (the police officer) due to the force applied when the bike was slammed at them. When the accused observed that he had struck the Police officer with the bicycle he was clearly seen on CCTV laughing and clapping.²⁹

18. The fourth assault charge related to what happened as Mr Squires was being placed into a police vehicle. The police statement of facts describes the circumstances of this alleged offence in these terms:

The accused was placed in handcuffs and led to a marked Police vehicle. As the accused was placed in the marked Police vehicle he kicked (a named police officer) in the head. Contact was made to the right side of (the police officer's) head with a right kick. The force of the kick caused immediate pain and discomfort.³⁰

19. Both Mr Squires' mother and Mr Zalovic say that Mr Squires was very concerned he would be sent to jail in relation to the alleged assault offences. Further, about three weeks before his death, Mr Squires' brother had gone to the Launceston police station to collect their father's wallet. According to Mr Squires' mother, there was a note on the wallet to the effect that a warrant had been issued by Tasmanian Police (presumably in relation to the alleged events of November 2019).^{31,32,33}

²⁹ Exhibit 1, Vol. 1, Tabs 33.2, Statement of Facts (02.03.22)

³⁰ Exhibit 1, Vol. 1, Tabs 33.1, Statement of Facts (09.02.22)

³¹ ts 25.09.24 (Zalovic), p6 and see also: ts 25.09.24 (McDonald), p54

³² Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 69-76, 91-94 & 119-125

³³ Exhibit 1, Vol. 1, Tab 28 - Warrants and Arrest report

20. Mr Squires' brother subsequently texted a photo of the note about the warrant (which appears to have been a return to prison warrant)³⁴ to Mr Squires,³⁵ and his mother said: *"I really think this note in particular convinced Dane that he was going to jail"*.³⁶
21. In May 2022, Mr Squires visited his mother in Tasmania for his birthday, and to say goodbye to a relative who was terminally ill. At that time, Mr Squires seemed to be *"going really well"* and he told his mother he was enjoying his job. Mr Squires said he was being "challenged mentally" and *"was making good money"*, and he also told his mother to *"look for a piece of land for him to buy in Tasmania"* that he could *"settle down on"*.³⁷
22. During the time he was in Tasmania, although Mr Squires reportedly spoke with local police, it appears that no action was taken in relation to the return to prison warrant previously issued. Nevertheless, Mr Squires' mother said she believed:

That the prospect of going to jail was just too much for Dane and it pushed him to what happened.³⁸

³⁴ ts 25.09.24, (McDonald), pp53-54

³⁵ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24), p5

³⁶ Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 119-121

³⁷ Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 107-111

³⁸ Exhibit 1, Vol. 1, Tab 14, Statement - Ms K Holloway (23.11.22), paras 123-128

EVENTS LEADING TO MR SQUIRES' DEATH

Events leading to police attendance^{39,40,41,42,43,44}

23. At about 6.30 pm on 11 September 2022, Mr Zalovic returned home after socialising with his girlfriend. Mr Squires and his friend (who was staying at the home temporarily) were in the lounge room, and Mr Zalovic went to his bedroom upstairs. At about 8.40 pm, Mr Zalovic heard a “*commotion*” in the living room and went to see what was going on.⁴⁵
24. On entering the kitchen/living area, Mr Zalovic saw Mr Squires standing over the friend (who was lying on a couch) and punching him to the head using his fists. Mr Zalovic says he witnessed Mr Squires punch the friend at least 7 to 10 times, and assumed there had been other blows before he had arrived in the living room. The friend was trying to protect his face using his hands, and Mr Squires was accusing the friend of “*stealing his girlfriend*”, although Mr Zalovic said Mr Squires did not have one.^{46,47}
25. Mr Zalovic used a couch cushion to try to prevent Mr Squires from continuing to punch the friend, at which Mr Squires “*backed off*” and went to his bedroom. At about 7.30 pm, the friend left the house to drive himself to JHC for treatment of the wounds he had sustained during the assault. Meanwhile, Mr Zalovic packed some belongings as he intended to stay the night at his girlfriend’s place given Mr Squires’ behaviour.^{48,49}
26. Mr Zalovic was in the kitchen when Mr Squires came out of his bedroom and asked if the friend was dead. Although Mr Zalovic told Mr Squires that the friend had gone to hospital to get some stiches, Mr Squires again asked if the friend was dead. Mr Zalovic repeated that the friend had gone to hospital and says that “*the look in Mr Squires’ eyes scared him*”, and that he did not feel safe being in the house.⁵⁰

³⁹ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24)

⁴⁰ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24) and ts 25.09.24 (Nichols), pp65-69

⁴¹ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23)

⁴² Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), para 20

⁴³ Exhibit 1, Vol. 1, Tab 17, Statement - Sgt. D Mackellar (12.09.22)

⁴⁴ ts 25.09.24 (Van Der Munnik), pp20-36 and ts 25.09.24 (Mackellar), pp37-48

⁴⁵ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 23-25 and ts 25.09.24 (Zalovic), pp7-8

⁴⁶ Exhibit 1, Vol. 1, Tab 21, Statement - Mr J Blenkhorn (12.09.22), paras 34-41

⁴⁷ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 28-29 and ts 25.09.24 (Zalovic), pp8-9

⁴⁸ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 30-39 and ts 25.09.24 (Zalovic), pp9-10

⁴⁹ Exhibit 1, Vol. 1, Tab 21, Statement - Mr J Blenkhorn (12.09.22), paras 42-46

⁵⁰ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 48-55 and ts 25.09.24 (Zalovic), pp10-11

27. At about 8.00 pm, the friend contacted Mr Zalovic and asked him to collect some of his belongings. The friend's bedroom was downstairs and as Mr Zalovic was collecting some of the friend's things, he could hear Mr Squires rummaging about in the kitchen, and what sounded like "*metal noises*". Shortly before 9.00 pm, Mr Zalovic texted his girlfriend to tell her what was going on, and although he told her not to do so, she made her way to Mr Squires' house in an Uber.^{51,52}
28. When Mr Zalovic came out of the friend's bedroom, he saw Mr Squires in the adjacent bathroom, naked in the bath covered with blood. Mr Zalovic asked Mr Squires if he was alright, but Mr Squires made no intelligible response, and merely moaned and grunted. Mr Zalovic realised he needed to leave the house, and as he got into his car, he saw Mr Squires standing naked in the kitchen holding some knives. Mr Zalovic says he rolled his car down their sloped driveway without starting it, so as not to alert Mr Squires to the fact that he was leaving.⁵³
29. When Mr Zalovic got out of his car at the bottom of the driveway, he could hear Mr Squires moving about the house, and "*erratic talking*". Mr Zalovic decided Mr Squires needed help and so shortly before 9.50 pm he called emergency services to request an ambulance. Mr Zalovic told the emergency services operator that Mr Squires was "*on drugs*" and was acting in a violent and unpredictable manner. Mr Zalovic also said that Mr Squires was possibly armed with a knife.⁵⁴
30. The emergency services operator told Mr Zalovic that an ambulance and police officers had been despatched, and Mr Zalovic says he decided to stay at the scene to assist police when they arrived. A short time later Mr Zalovic's girlfriend arrived, and he told her it was not safe to go inside the house. He says they waited in the shadows of the next-door neighbour's garden for police and ambulance officers to arrive.^{55,56}

⁵¹ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 40-57

⁵² Exhibit 1, Vol. 1, Tab 16, Statement - Ms L Sharpe (12.09.22), paras 5-11

⁵³ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 58-72 and ts 25.09.24 (Zalovic), p11

⁵⁴ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 74-78 and ts 25.09.24 (Zalovic), p12

⁵⁵ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 78-80 and ts 25.09.24 (Zalovic), pp12-13

⁵⁶ Exhibit 1, Vol. 1, Tab 16, Statement - Ms L Sharpe (12.09.22), paras 11-13

31. As it happens, ambulance officers arrived first and parked their vehicle a short distance from Mr Squires' house to await the arrival of the police. Mr Zalovic spoke to the ambulance officers and told them it was not safe to enter the house.^{57,58,59,60}
32. Meanwhile at 9.58 pm, in response to Mr Zalovic's call, the Police Operations Centre had created a Computer Aided Despatch (CAD) task which required attendance by officers from the Hillarys police station. The following text accompanied the CAD task:
- (St John Ambulance) require assistance with a 35-year-old male, has taken drugs and is trying to punch people. Has knives in his hands, violent, covered in blood, yelling at himself. Caller to SJA is a housemate who has left the address as the male is unpredictable. Male is Dane SQUIRES.⁶¹
33. Senior Constable Van Der Munnik (Officer Van Der Munnik) and Sergeant Darren Mackellar⁶² (Officer Mackellar) were on duty at the Hillarys police station that night, although they were not rostered on together as partners, and had not previously worked with each other.^{63,64}
34. Officer Mackellar's rostered partner was a probationary constable, but she was busy with paperwork from a task they had completed earlier that evening. After assessing the CAD task (which had been categorised as a "welfare concern job") the supervising Sergeant allocated the job to Officer Mackellar and Officer Van Der Munnik.
35. The supervising Sergeant had decided that given the nature of the CAD task, it would be appropriate to send two experienced officers, and that the "physical presence" of Officer Van Der Munnik would be an asset. At the inquest, Officer Van Der Munnik said he was happy to assist with the CAD job and had no issues partnering Officer Mackellar.⁶⁵

⁵⁷ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 84-86 and ts 25.09.24 (Zalovic), pp12-13

⁵⁸ Exhibit 1, Vol. 1, Tab 11, Statement - Ms R Dighton (12.09.22)

⁵⁹ Exhibit 1, Vol. 1, Tab 12, Statement - Mr D Fasolo (14.09.22)

⁶⁰ Exhibit 1, Vol. 1, Tab 15, Statement - Mr J Nicolau (12.09.22)

⁶¹ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24), p1

⁶² At the relevant time, Officer Mackellar held the rank of Senior Constable

⁶³ Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), para 20

⁶⁴ ts 25.09.24 (Van Der Munnik), pp22-23 and ts 25.09.24 (Mackellar), pp39-40

⁶⁵ ts 25.09.24 (Van Der Munnik), p22

36. Officers Mackellar and Van Der Munnik (the Officers) left Hillarys police station a short time later, and drove directly to Mr Squires' home in Padbury, about 5 to 10 minutes away. Officer Mackellar was driving, and on the way, Officer Van Der Munnik consulted his police issued mobile phone and discovered that Mr Squires had been charged with assault offences involving a bicycle that had injured police.
37. The Officers arrived at Mr Squires' home at about 10.10 pm, and as they exited their police vehicle, they each activated their body worn cameras to record events. The Officers spoke with Mr Zalovic, who told them that Mr Squires appeared to be affected by drugs and was last seen naked and covered in blood. Mr Zalovic also said he thought Mr Squires may be armed with a knife, and he offered to speak with Mr Squires in the company of police to try to deescalate the situation.⁶⁶
38. At the time, Mr Zalovic (who at the inquest presented as an intelligent and articulate person) was calm and unemotional, and the Officers decided that it may be helpful to have him speak to Mr Squires in their presence.
39. At the inquest, Sergeant Simon Nichols (Officer Nichols), who authored the Internal Investigation Unit report into the conduct of the Officers, confirmed that there is no specific policy guidance relating to the use of civilians by police in these circumstances. Officer Nichols said that instead, the decision about whether to use civilians and in what manner, is left to the discretion of attending police.⁶⁷
40. In my view, the decision by the Officers to allow Mr Zalovic to speak with Mr Squires and to try to calm the situation was reasonable. Mr Zalovic had volunteered to help and was clearly a sensible and intelligent person whose assistance may have been very valuable. As they walked up the driveway towards the front door, although Officer Van Der Munnik recalls telling Mr Zalovic to "*make sure you stay where I can see you*", he (Mr Zalovic) was not given any further instructions.^{68,69}

⁶⁶ ts 25.09.24 (Zalovic), pp13-14, ts 25.09.24 (Van Der Munnik), pp27-28,

⁶⁷ ts 25.09.24 (Nichols), pp67-68

⁶⁸ Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), paras 58-69

⁶⁹ ts 25.09.24 (Van Der Munnik), pp27-28 and ts 25.09.24 (Zalovic), pp17-18

41. I accept that the Officers were motivated to engage with Mr Squires as quickly as possible to try to help him. However, in my view, and I say this with the considerable benefit of hindsight, a more comprehensive briefing should have been given to Mr Zalovic prior to his attempts to engage with Mr Squires.
42. That briefing should have included some basic instructions about the Officers' intended actions and their safety plan, including what Mr Zalovic should do if Mr Squires behaved in an aggressive or violent manner.
43. As I will explain, Mr Zalovic immediately removed himself from harm's way when that became necessary. However, civilians do not receive the training that police officers do, and so they cannot be relied on to act predictably, especially in highly volatile and/or dangerous situations.
44. At the inquest, Officer Mackellar and Officer Nichols both agreed that with the benefit of hindsight, it would have been appropriate for police to have provided Mr Zalovic with a more comprehensive briefing before he approached the front door to speak with Mr Squires.⁷⁰

Outline of events^{71,72,73,74,75,76,77}

45. The events which led to Mr Squires' death may be summarised as follows:
 - a. The Officers and Mr Zalovic walked up the driveway and approached the open front door of Mr Squires' house. A hallway leads off the front door towards the living area, and as the Officers waited outside, Mr Zalovic called out to Mr Squires and walked a few steps down the hallway;
 - b. As Mr Zalovic was calling out to Mr Squires and telling him that police had arrived and were there to help him, Mr Squires suddenly walked around the corner and appeared in the hallway;

⁷⁰ ts 25.09.24 (Mackellar), p47 and ts 25.09.24 (Nichols), pp68-69

⁷¹ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24) and ts 25.09.24 (McDonald), pp49-54

⁷² Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24) and ts 25.09.24 (Nichols), pp65-69

⁷³ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23) and ts 25.09.24 (Markham), pp55-64

⁷⁴ Exhibit 1, Vol. 1, Tab 17, Statement - Sgt. D Mackellar (12.09.22)

⁷⁵ Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22)

⁷⁶ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22)

⁷⁷ ts 25.09.24 (Zalovic), pp14-17, ts 25.09.24 (Van Der Munnik), pp 29-35 and ts 25.09.24 (Mackellar), pp41-48

- c. Mr Squires was naked, covered in blood, and holding a knife. He said: “*I’m going to fucking kill everyone*” and as he continued walking down the hallway towards the front door, Mr Zalovic immediately ran out of the house, down the driveway past the Officers and towards the road;
- d. Moments later, Mr Squires came out of the house holding a large kitchen knife in his right hand between his waist and chest. Mr Squires then turned towards the Officers who at that stage were standing about four metres away;
- e. A moment later, Mr Squires suddenly ran past Officer Mackellar (who was standing to the left of the front door) towards Officer Van Der Munnik. Mr Squires appeared to be focussed on Officer Van Der Munnik, who by this stage had drawn his police pistol which he was pointing straight at Mr Squires;
- f. Officer Van Der Munnik called out “*Don’t*” or “*Dane don’t*”, but Mr Squires continued rushing towards him holding the knife out in front of his body “*in an aggressive manner*”;⁷⁸
- g. As Officer Van Der Munnik was retreating tactically backwards down the sloped driveway, Mr Squires continued to rush towards him with the knife;
- h. As this was happening, Officer Mackellar tried unsuccessfully to deploy his Taser, and Officer Van Der Munnik fired his police pistol twice in quick succession;
- i. One of the two shots fired by Officer Van Der Munnik struck Mr Squires in the left chest, whilst the other shot missed;⁷⁹ and
- j. As Officer Van Der Munnik moved to his left into a garden bed, Mr Squires’ momentum carried him forward to the bottom of the driveway where he collapsed, dropping the knife as he did so.

⁷⁸ Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), paras 84-87

⁷⁹ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

First aid and Mr Squires' death^{80,81,82,83,84,85}

46. When Mr Squires collapsed ambulance officers immediately provided first aid, assisted by the Officers. Despite the concerted efforts of ambulance officers (one of whom was a clinical support paramedic) and police, Mr Squires could not be revived. He was declared deceased at the scene at 10.21 pm on 11 September 2022.^{86,87,88,89,90,91,92,93}

CAUSE AND MANNER OF DEATH^{94,95,96}

47. Two forensic pathologists (Dr White and Dr Downs) conducted a post mortem examination of Mr Squires' body at the State Mortuary on 14 September 2022. The following injuries were observed:

- i. One gunshot wound with the entry on the front left of Mr Squires' chest, and associated injuries to the ribcage, heart, and left lung, with blood in the left chest cavity;
- ii. Sharp force injuries (i.e.: incised wounds) to Mr Squires' neck and right arm (with associated injuries to the external jugular vein branches in the neck, and the radial artery in the right arm); and
- iii. A number of sharp force injuries to Mr Squires' torso, limbs, and hands, as well as soft tissue injuries to his hands.

48. Dr White and Dr Downs noted that there was no exit wound in relation to the gunshot wound to Mr Squires' chest, and that they had retrieved one bullet from the soft tissue in the left side of the back.

⁸⁰ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24), p20 and ts 25.09.24 (McDonald), p51

⁸¹ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24) and ts 25.09.24 (Nichols), pp65-69

⁸² Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23) and ts 25.09.24 (Markham), pp55-64

⁸³ Exhibit 1, Vol. 1, Tab 11, Statement - Ms R Dighton (12.09.22)

⁸⁴ Exhibit 1, Vol. 1, Tab 12, Statement - Mr D Fasolo (14.09.22)

⁸⁵ Exhibit 1, Vol. 1, Tab 15, Statement - Mr J Nicolau (12.09.22)

⁸⁶ Exhibit 1, Vol. 1, Tab 1, P100 - Report of Death (04.06.24)

⁸⁷ Exhibit 1, Vol. 1, Tab 2, P98 - Mortuary Admission Form (11.09.22)

⁸⁸ Exhibit 1, Vol. 1, Tab 3, Life Extinct Certification (11.09.22)

⁸⁹ Exhibit 1, Vol. 1, Tab 4, P92 - Identification of deceased by Visual Means (11.09.22)

⁹⁰ Exhibit 1, Vol. 1, Tab 4.1, P92 - Identification of deceased Other by Visual Means (15.09.22)

⁹¹ Exhibit 1, Vol. 1, Tab 4.1, Coronial Identification Report (15.09.22)

⁹² Exhibit 1, Vol. 1, Tab 4.1, Affidavit - Sen. Const. D Ryan (15.09.22)

⁹³ Exhibit 1, Vol. 1, Tab 4.1, Affidavit - Sen. Const. W Pugh (15.09.22)

⁹⁴ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

⁹⁵ Exhibit 1, Vol. 1, Tab 5.1, Final Post Mortem Report (14.09.22)

⁹⁶ Exhibit 1, Vol. 1, Tab 5.1, Interim Post Mortem Report (14.09.22)

49. Dr White and Dr Downs noted that the arteries on the surface of Mr Squires' heart were focally narrowed (coronary artery atherosclerosis) and suggested that:

In view of the presence of established coronary artery disease in a relatively young man, the deceased's family should be advised to seek medical advice regarding the possibility of hereditary cardiovascular disease.⁹⁷

50. Microscopic examination of major body tissues was consistent with the macroscopic findings I have referred to, and specialist examination of Mr Squires' brain found no significant abnormalities.⁹⁸
51. Toxicological analysis of samples taken after Mr Squires' death found therapeutic levels of citalopram (a prescribed medication used to treat depression), along with methylamphetamine, and its metabolite amphetamine. Alcohol and other common drugs were not detected.⁹⁹
52. At the conclusion of the post mortem examination, Dr White and Dr Downs expressed the opinion that the cause of Mr Squires' death was: *“Gunshot injury to the chest in a man with sharp force injuries to the neck and limbs”*.¹⁰⁰
53. I accept and adopt the opinion expressed by Dr White and Dr Downs as my finding as to the cause of Mr Squires' death. Further, although the evidence establishes that the shot fired by Officer Van Der Munnik caused Mr Squires' death, in view of all the circumstances I find that the manner of Mr Squires' death was homicide by way of self-defence.
54. Prior to the inquest, Mr Will Stops (Counsel Assisting) made me aware that Mr Squires' mother wished to know how Mr Squires had sustained the sharp force and soft tissue injuries to his hands, which Dr White and Dr Downs noted during their post mortem examination.

⁹⁷ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

⁹⁸ Exhibit 1, Vol. 1, Tab 6, Neuropathology Report (19.09.22)

⁹⁹ Exhibit 1, Vol. 1, Tab 7, Toxicology Report (28.09.22)

¹⁰⁰ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

55. The evidence before the Court is that in the period before his death, Mr Squires punched one of his housemates numerous times to the side of the head. It is therefore sensible to conclude that it was this assault that caused the soft tissue injuries to Mr Squires' hands.
56. On the basis of the available evidence, it also seems safe to conclude that the sharp force injuries to Mr Squires' neck, torso, limbs, and hands were self-inflicted.^{101,102,103}

USE OF FORCE^{104,105,106}

Criminal Code

57. The *Criminal Code* authorises police officers to use force while effecting an arrest. In this case, when Mr Squires armed himself with a knife and rushed out of his house towards attending police, he was liable to arrest. Where the use of force by a police officer is lawful, the use of more force than is justified is unlawful.¹⁰⁷
58. However, a harmful act (including the killing of another) is lawful if that act is done in self-defence. An act is done by a person in self-defence if:
- a. the person believes the act is necessary to defend the person or another person from a harmful act, including a harmful act that is not imminent; and
 - b. the person's harmful act is a reasonable response by the person in the circumstances as the person believes them to be; and
 - c. there are reasonable grounds for those beliefs.¹⁰⁸

¹⁰¹ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), paras 26-30 & 39

¹⁰² ts 25.09.24 (Zalovic), pp8-9

¹⁰³ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

¹⁰⁴ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24)

¹⁰⁵ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24) and ts 25.09.24 (Nichols), pp65-69

¹⁰⁶ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23) and ts 25.09.24 (Markham), pp55-64

¹⁰⁷ Criminal Code, sections 231 & 260

¹⁰⁸ Criminal Code, section 248

Police Manual

59. The Police Manual explains that the force options available to general duty officers include: the baton, OC spray, the Taser, and the pistol. The Police Manual also deals with the circumstances in which force options (including firearms) may be used by police officers.
60. For present purposes, it is sufficient to note that there is no policy requiring an officer use a less lethal force option, before using a more lethal one. The decision as to the appropriate force option to use in any circumstance will depend on a multitude of factors, which must often be assessed very quickly. For obvious reasons the decision as to which force option to use is therefore left to the discretion of the officer facing the threat.¹⁰⁹

Assessment of police actions

61. As I have explained, shortly after police arrived at his home on 11 September 2022, Mr Squires ran towards the officers armed with a knife. Mr Squires was naked and covered in blood, and the knife he was holding was a sharp filleting type knife with a 20 - 25 cm blade. Although Officer Mackellar had intended to deploy his Taser, he was unable to do so, and Officer Van Der Munnik fired two shots using his police pistol, one of which caused Mr Squires' death.¹¹⁰
62. Prior to the start of the inquest, I made a suppression order in relation to police policies, including those relating to the use of force, and the use of firearms. That suppression order was made in the public interest and considering its terms I do not intend to canvas the relevant provisions of those policies in any detail this finding.
63. For the purposes of this finding, it is enough for me to observe that relevant police policies authorise officers to discharge a firearm to reduce a threat and gain control of a subject where the officer: "*reasonably believes there is an imminent risk of grievous bodily harm or death to any person*".¹¹¹

¹⁰⁹ ts 25.09.24 (Van Der Munnik), pp 29-35, ts 25.09.24 (Mackellar), pp41-48 and ts 25.09.24 (Markham), pp58-59

¹¹⁰ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24)

¹¹¹ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23), para 101 and ts 25.09.24 (Markham), pp55-64

64. In his statement, Officer Van Der Munnik says he drew his firearm as soon as he saw Mr Squires coming towards him holding a knife. Officer Van Der Munnik also says he thinks he said “*don’t*”, and that as he backed away down the steep, sloped driveway, Mr Squires came out of his house “*very quickly*” and started moving towards him “*holding the knife in an aggressive manner*”.¹¹²
65. As to the discharge of his firearm, Officer Van Der Munnik says:
- My back hit something and I felt that I couldn’t move back any further. I didn’t know what it was at the time, but I felt that I was trapped. I felt that I was in imminent danger of Grievous Bodily Harm or Death, I was in fear for my life. I made the conscious decision to discharge my firearm in order to prevent (Mr Squires) from killing me.¹¹³
66. In his statement, Mr Zalovic said: “*I know in my mind if police didn’t shoot Dane, he would have stabbed them*”,¹¹⁴ and at the inquest, Officer Mackellar said he agreed with that statement. In his evidence, Mr Markham said that the fact that Officer Van Der Munnik had fired at Mr Squires was reasonable and justified, based on the threat he faced.¹¹⁵
67. Studies have shown that a person armed with an edged weapon can cover 6.4 m in about 1.5 seconds. At the time he was shot, Mr Squires was well within that distance, and he appeared to be “*fixated*” on Officer Van Der Munnik as he moved towards him armed with a knife.¹¹⁶
68. At the inquest, Mr Markham explained that police officers are taught to aim for the centre of seen mass. Further, after Officer Van Der Munnik fired the first shot, Mr Squires did not appear to react, making it necessary for the second shot to be fired.¹¹⁷ Although it is unclear which of the two shots fired by Officer Van Der Munnik caused Mr Squires’ death, the evidence establishes that one of them did.¹¹⁸

¹¹² Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), paras 84-87

¹¹³ Exhibit 1, Vol. 1, Tab 18, Statement - Sen. Const. J Van Der Munnik (12.09.22), paras 93-95

¹¹⁴ Exhibit 1, Vol. 1, Tab 20, Statement - Mr A Zalovic (12.09.22), para 104

¹¹⁵ ts 25.09.24 (Mackellar), p47 and ts 25.09.24 (Markham), pp56-58

¹¹⁶ ts 25.09.24 (Markham), pp57-58

¹¹⁷ ts 25.09.24 (Markham), pp56-57

¹¹⁸ Exhibit 1, Vol. 1, Tab 5, Supplementary Post Mortem Report (11.12.23)

69. As mentioned earlier, although Officer Mackellar had attempted to deploy his Taser when Mr Squires emerged from his house armed with a knife, he had trouble doing so.¹¹⁹

70. However, as Officer Nichols explained in the IAU report:

(Officer Mackellar) was unable to draw the Taser through skill error most likely as a result of being unable to action the fine motor skills required to locate and remove the hood on the holster. This response can be expected in consideration of the impacts of stress on the human response, and as such there cannot be any criticism of (Officer Mackellar).¹²⁰

71. In assessing the actions of Officer Van Der Munnik and Officer Mackellar on 11 September 2022, I have carefully considered the available evidence. That evidence included: the accounts of witnesses at the scene, the Use of Force report, the Internal Affairs Unit (IAU) report, and the Homicide Squad report, as well as the oral evidence of Officer Nichols, the author of the Homicide Squad report, Detective Senior Sergeant Greg McDonald (Officer McDonald), and the Police use of force subject matter expert, Mr Chris Markham.¹²¹

72. In the IAU report into the use of force by Officer Van Der Munnik on 11 September 2022, Officer Nichols concluded that: “*No allegation of breach of Use of Force policy was substantiated as a result of this investigation*”.¹²²

73. In the Homicide Squad investigation report, Officer McDonald said:

In assessing the actions of (Officer Van Der Munnik), it is the determination of the Investigating Officer that his actions were lawful, having considered the provisions of the *Criminal Code*, and in particular *s248 (Self Defence)*. Further, the force used was not deemed excessive when assessed in respect of *s260 Criminal Code*.^{123,124}

¹¹⁹ ts 25.09.24 (Mackellar), pp43-44

¹²⁰ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24), p27

¹²¹ ts 25.09.24 (Markham), pp59-61

¹²² Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24), p27 and see also: ts 25.09.24 (Nichols), pp65-66

¹²³ Exhibit 1, Vol. 1, Tab 8, Homicide Squad Report- Det. Sen. Sgt. G McDonald (03.06.24), p22

¹²⁴ See also: ts 25.09.24 (McDonald), pp50-51

74. In his Use of Force report, Mr Morrison noted:

(Officer Van Der Munnik's) discharge of his firearm occurred as a result of a reactive and instinctive response to an identified threat. The threat was (Mr Squires) running towards him with a knife raised and closing the distance between them to such proximity that (Officer Van Der Munnik) reasonably believed he was at imminent risk of (grievous bodily harm) or death.

(Officer Van Der Munnik's) selection and use of his firearm as the appropriate tactical option to reduce the threat and gain control of (Mr Squires) in the circumstances, was in accordance with WA Police Force Use of Force policy and the training guidelines of OSTTU.¹²⁵

75. On the basis of the available evidence, I find that one of the two shots fired by Officer Van Der Munnik on 11 September 2022, caused Mr Squires' death. However, I am satisfied that the actions of the Officers were justified by the circumstances they were confronted by, and that those actions complied with the *Criminal Code*, the Police Manual, and relevant police policies.

76. For the avoidance of doubt, I find that Officer Van Der Munnik's use of his police pistol was reasonable and justified, as he had reasonable grounds for believing there was "*an imminent risk of grievous bodily harm or death to any person*". That imminent risk was (as Mr Morrison pointed out in his Use of Force report) the fact that at the relevant time Mr Squires was rushing towards Officer Van Der Munnik armed with a knife.¹²⁶

77. For the sake of completeness, I note that at the relevant time, both Officer Van Der Munnik and Officer Mackellar had completed their annual critical skills training (CST) - which covers first aid and the deployment of force options, including the police pistol. Further, I note that shortly after Mr Squires' death, both Officer Van Der Munnik and Officer Mackellar underwent alcohol and illicit drug testing and that the results of all of those tests were negative.¹²⁷

¹²⁵ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23), paras 244-245

¹²⁶ Exhibit 1, Vol. 1, Tab 10, Use of Force Report - Mr J Morrison (15.06.23)

¹²⁷ Exhibit 1, Vol. 1, Tab 9, IAU Report - Sgt. S Nichols (07.02.24), p27

CONCLUSION

78. This tragic case deals with the death of Mr Squires, who was 35 years of age when he was shot and killed by police on 11 September 2022. After assessing the available evidence, I found that the cause of Mr Squires' death was gunshot injury to the chest in a man with sharp force injuries to the neck and limbs, and that the manner of death was homicide by way of self-defence.
79. The people of Western Australia expect police officers to protect the community, and this onerous task often exposes officers to physical and psychological trauma. Before the Officers attended Mr Squires' home, they were aware that he appeared to be affected by illicit drugs, was behaving strangely, and may be armed with a knife.
80. On arrival at the scene, the Officers were confronted with an extremely dangerous and volatile situation that rapidly spiralled out of control. Mr Squires had shouted he was "*going to kill everyone*" before he suddenly rushed out of his house towards the Officers armed with a knife.
81. The Officers say they believed they were about to be killed, and after carefully considering the available evidence, I concluded that this belief was reasonable. I also concluded that the actions of the Officers (including force used against Mr Squires) were justified and in accordance with applicable legislation, Police policy, and the Officers' training.
82. Nobody, least of all the Officers intended that Mr Squires would be harmed on 11 September 2022, much less killed. Sadly however, that outcome was the inevitable consequence of Mr Squires' decision to rush towards the Officers in the manner that he did.
83. On the basis of Mr Squires' behaviour at the relevant time, it seems likely that he was experiencing some sort of drug-induced psychosis, related to the methylamphetamine he had consumed earlier and was not in possession of his faculties. Any reasonable assessment of the available evidence leads to the inescapable conclusion that had Mr Squires not been shot, he would probably have caused the death of at least one person, and possibly others.

84. I wish to acknowledge the efforts Mr Zalovic made to try to help Mr Squires, and I commend him for his willingness to assist police in the circumstances he was confronted with. Finally, as I did at the conclusion of the inquest, I wish to extend to Mr Squires' family and friends, my sincere condolences for their terrible loss.

MAG Jenkin

Coroner

22 October 2024