



Western

Australia

RECORD OF INVESTIGATION INTO DEATH

Ref No: 16/12

I, Alastair Neil Hope, State Coroner, having investigated the death of Andrea Louise PICKETT, with an Inquest held at Perth Coroners Court on 11-19 June 2012 find that the identity of the deceased person was Andrea Louise PICKETT and that death occurred on 12 January 2009 at 6 Wilby Street, North Beach as a result of Multiple Stab Wounds in the following circumstances -

Counsel Appearing :

Mr J Johnston assisting the State Coroner
Mr R Bannerman for the deceased's family
Mr S Jones appearing on behalf of the Aboriginal Family Law Service
Mr T Russell (instructed by Brendyn Nelson, State Solicitors Office) appearing on behalf of the Department of Corrective Services and Department for Child Protection and WA Police
Ms M Lindley (Australian Human Rights Commission)
Ms S Chelvanayagam Mental Health Law Centre appearing on behalf of Kenneth Pickett



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INTRODUCTION

Andrea Louise Pickett, who at the request of the family will be referred to as Andrea in these reasons, died on 12 January 2009. She was then 39 years of age, her date of birth was 5 April 1969.

Andrea was murdered at 6 Wilby Street, North Beach, Western Australia by her estranged husband, Kenneth Charles Pickett (Mr Pickett).

At the time of the murder a violence restraining order was in place intended to protect Andrea from Mr Pickett. In addition, at the time of the murder, Mr Pickett was on parole in respect of a charge that on 14 February 2008 he had made a threat to kill Andrea.

On 23 January 2009 Mrs Lorraine Bentley, Andrea's mother, wrote to the State Coroner requesting the holding of a public inquest into the circumstances of Andrea's death and raising concerns as to the circumstances in which Mr Pickett had been released on parole in respect of charges of threatening to kill Andrea and yet was able to kill her. Concerns were also raised in respect of police actions, particularly in respect of incidents which took place shortly before the murder which constituted a breach of conditions of the parole, breaches of violence restraining orders and serious threats to Andrea.



A further concern of the family was that on day before her death Andrea sought accommodation from Crisis Care in her efforts to hide from her estranged husband, but had been advised that safe accommodation was not available for her and the seven children who at the time she had with her.

This inquest was held in order to explore the circumstances surrounding the death, to address the concerns of the family of the deceased and to determine whether comments or recommendations could be made with a view to ensuring that in future better protection could be provided to persons at risk of extremely serious domestic violence.

THE HISTORY OF THE RELATIONSHIP BETWEEN ANDREA AND KENNETH PICKETT

As at 12 January 2009 Andrea and Mr Pickett had been married for twenty-three years and there were thirteen children to the marriage.

It appears clear from Victim Impact Statements provided by Andrea in respect of the threat to kill charge in 2008 that she had been subjected to domestic abuse for a significant period prior to 2008 and that abuse involved him killing the family pets after which he would make observations to the effect that, "doing it would make it easier for him to kill a human". She stated that his mood



would change and that on occasions he would go and calmly kill one of the animals for no apparent reason.

She described a history of threats to her and had been very frightened for a long period of time. In the Victim Impact Statements she stated that, "I'm scared he will kill me and I am also scared he will kill my children".

The first incident in respect of which this domestic violence was referred to police took place on 6 January 2008. This was one of three incidents which were reported by Andrea to Armadale Police on the morning of 8 January 2008.

Andrea and Mr Pickett had separated in November 2006 although according to Andrea there had been a period in 2007 when he had moved into the house and had refused to leave.

According to the police Incident Report Mr Pickett made threats that he would kill Andrea if she did not go to Centrelink to inform them that their relationship was back on. He had called her names such as, "dog", "slut" and "whore" and made accusations about her "having it off with the guy next door" (a baseless accusation).

According to Andrea he grabbed her around the neck with one hand and squeezed for long enough for her to feel



the blood pressure in her face. It appears that she had a fingernail mark on one side of her neck and a bruise to the other.

She stated that she was not able to breath while he had her by the throat.

Andrea stated that a number of their children were present in the room when the assault took place.

The same Incident Report recorded an incident said to have taken place on the next day, 7 January 2008. On that occasion Mr Pickett again made threats to Andrea stating that he would kill her. Andrea told police that she believed that she was going to die.

The third incident referred to in the same Incident Report took place on 8 January 2008. On that occasion according to Andrea Mr Pickett poured coca-cola over the bed and damaged household items including smashing her telephone. Children were present during the incident.

Again according to Andrea she was called names such as, "dog". Andrea advised police that she was concerned that Mr Pickett had several homemade weapons including a spear and a knife and that he had previously threatened her using a machete.



Police obtained a medical release form from Andrea and arranged for her to attend her doctor. Her details were also forwarded to the Domestic Violence Advocate housed at Armadale Police Station.

According to police records the complaints were, "withdrawn" on 5 February 2008 although no detail appears to be available in respect of what actually occurred and no signed statement containing an intention to not proceed with the charges was provided by police to the inquest.

Although the incident report refers to multiple witnesses it appears witness statements were only taken from Andrea and one other witness.

No charges were ever laid in relation to these incidents.

It appears that on 8 January 2008 Western Australia Police (WA Police) contacted Crisis Care requesting accommodation for Andrea and ten of her children. WA Police were advised that they should ask Andrea to attend the department's office in Armadale to discuss options.

Crisis Care is a division of the Department for Child Protection and is staffed by Child Protection workers.

Crisis Care records reveal that she did attend the Armadale office at 2pm with her cousin seeking assistance.



The records reveal that Andrea was told that refuge was not available for herself and the children to which she replied that she would not split the children up. Andrea was concerned that Mr Pickett would get to her through the children.

At 6:12pm Andrea again contacted Crisis Care, this time by telephone. She advised that she was at her sister's home with seven children having escaped from domestic violence from her partner. She said that she was currently at her sister's house and was safe for the night but would not be able to stay after that night. She inquired about refuge accommodation. She was advised that there was nothing available but that could change on the next day.

At 8:25pm Crisis Care advised Andrea that she could not be assisted because of the difficulty of accommodating her and her children. She stated that she was obtaining a Violence Restraining Order on the next day, but she feared that he would breach the order.

On 10 January 2008 Andrea attended the Perth Magistrates Court and made an application for a Violence Restraining Order against Mr Pickett. An order was granted for a duration of two years from the date of service requiring him to not communicate or attempt to communicate by whatever means with Andrea or named children of the marriage, to enter or remain upon any premises where she



was located or be within 100 metres of the nearest external boundary of such premises.

The children referred to in the restraining order were the seven youngest children, aged between one and sixteen years.

The Interim Restraining Order was served on Mr Pickett later the same night at the family home, 27 Chadwick Parade, Brookdale, the order was finalised on 1 February 2008.

On 10 January 2008 a friend of Andrea contacted Crisis Care again requesting accommodation assistance for Andrea and the seven children. The friend advised that Andrea had been granted a Violence Restraining Order that morning, though it had not yet been served.

The friend advised that she was extremely unhappy with the response from the Department for Child Protection and Crisis Care and advised that Andrea was not able to attend the office as Mr Pickett was patrolling the area and it was unsafe. They were advised to contact the Department for Child Protection at Armadale by telephone.

It appears that some efforts were made by Crisis Care staff to contact hotels seeking accommodation but that either there was no accommodation available or there was



only one room available with a maximum accommodation for four people.

THE EVENTS OF 14 JANUARY 2008

On 14 January 2008 Andrea attended the Armadale Police Station and made a complaint that Mr Pickett had breached the Violence Restraining Order recently served on him.

She advised that Mr Pickett had contacted two of her children by telephone and attempted to get them to relay messages to her.

It appears that police spoke to one of the daughters who refused to provide a statement and that the other daughter was not home. According to an Incident Report, however, Andrea stated that it was unlikely that that daughter would provide a statement either.

No further inquiries were conducted with Andrea or either of the witnesses and no effort was made to locate or speak with the other daughter.

INCIDENT REPORTS ON 19 JANUARY 2008

On 19 January 2008 Andrea attended Ballajura Police Station and made a complaint relating to five breaches of the Violence Restraining Order by Mr Pickett.



An Incident Report was prepared relating to an incident which took place on 19 January 2008 and a statement was obtained from Andrea referring to the four other breaches said to have occurred prior to that incident.

The alleged breaches related to claims –

- ✚ On 15 January 2008 at about 8:54pm Mr Pickett rang the house where Andrea was staying and she answered the call. According to Andrea she passed the telephone to her daughter through whom Mr Pickett attempted to convey a message.
- ✚ On 17 January 2008 at about 7pm Mr Pickett drove up Chadwick Parade within about 50 metres of her home. At the time Andrea was standing out the front of the house at 27 Chadwick Parade.
- ✚ On 18 January 2008 at about 9pm Mr Pickett drove past Andrea's house and parked at the corner of Chadwick Parade and Emu Court, apparently to pick up two of the children.
- ✚ On 19 January 2008 at about 1:36pm Mr Pickett had one of the children contact Andrea by telephone and could be heard in the background. Subsequently he asked for the telephone and Andrea then passed her telephone to her mother. There was then a discussion between Mr Pickett and Lorraine Bentley.



Ballajura Police conducted inquiries into the possible whereabouts of Mr Pickett and ascertained that he was residing with one of the children at Unit 3/117 Eudoria Street, Gosnells.

The East Metropolitan Family Protection Unit reviewed this Incident Report and placed an alert on the address and names of all people involved.

On 21 January 2008 the case file was electronically forwarded to Armadale Police Station for investigation. The hard copy of the case file was forwarded through the relevant Incident Management Unit to the police station.

On 28 January 2008 the case file was received by the Armadale Detectives for investigation but it remained unallocated until 19 March 2008 when it was allocated to a uniform investigator for inquiry.

It appeared from evidence at the inquest that it was likely that the file was not allocated earlier because of the heavy workload then being experienced by detectives at Armadale Police Station.

On 20 March 2008 police attended at Andrea's address to search for Mr Pickett, to be informed that Mr Pickett no longer resided at the address as he was in custody in Hakea Prison on remand in relation to another breach of the



Violence Restraining Order. On 21 May 2008 the inquiry officer made a decision that there was insufficient evidence to prefer a charge and consequently the investigation report was written off to that effect.

The supervisor, a detective sergeant from Armadale Detective's office, reviewed the case file and agreed with the recommendation of the inquiry officer and the incident report was filed.

This was a failure on the part of Armadale Detectives as each of the alleged breaches of the Violence Restraining Order constituted an offence which required appropriate investigation.

Evidence provided by Detective Senior Sergeant Craig Collins of Armadale Detectives was to the effect that at that time as part of an approach to reducing case files known as Operation Bushell, a number of files had been written off with a view to reducing the workload to manageable levels. It appears likely that this desire to reduce the number of outstanding investigations was a major factor in the decision to write off the possibility of charges being laid in respect of these breaches.



THE EVENTS OF 14 FEBRUARY 2008

On 14 February 2008 Andrea reported to Armadale Police Station a complaint of two breaches of a Violence Restraining Order and threats to kill by Mr Pickett. She stated that he had contacted her daughters by telephone stating that he was going to slit her throat and kill her.

Andrea went with police to Armadale Police Station to make statements in respect of the telephone calls and while she was at the station Mr Pickett was apprehended by police next door to her address. He was searched and police located a 20cm bladed knife secreted inside the right hand side of his trousers. Mr Pickett was arrested and charged.

He was later remanded in custody until 1 July 2008 when he pleaded guilty to a charge of making a threat to unlawfully kill Andrea. The facts provided to the court on 1 July 2008 included the information that the threats had been in breach of a Violence Restraining Order served on 12 January 2008 and that he had threatened to slit Andrea's throat and kill her on more than one occasion.

The sentencing was adjourned until 14 August 2008 and Mr Pickett was referred for psychological assessment and he was seen by Dr William N Saunders, Consultant



Clinical Psychologist, on 7 August 2008. Dr Saunders noted that¹ –

Mr Pickett accepted that at that time he probably needed to be incarcerated to stop him acting out his jealous anger. However, Mr Pickett stated that although at the time he wanted to “go to war” with his wife and her family most of his anger had subsided. I questioned him as to whether he was currently a threat to his wife. He said, most honestly, “I don’t really now, I’m probably still a risk”.

In addition the court was receipt of the Victim Impact Statements from Andrea referred to earlier in these reasons.

On 14 August 2008 Kennedy CJDC, the Sentencing Judge, expressed concern about the fact that Dr Saunders considered Mr Pickett to be a risk to Andrea and the following exchange took place –

KENNEDY CJDC: Well, he’s saying, “I’m still a risk.” I’m not letting him out. I mean if he kills her it will be my fault. It’s just that simple.

WEBB, MS : But you can’t lock him up indefinitely, ma’am. That’s the problem.

KENNEDY CJDC: No, I probably can’t, but I can certainly put the responsibility onto somebody else to release him on parole and to make a determination at that stage.”

The counsel representing Mr Pickett, Ms Webb, submitted to the court that if Mr Pickett moved to Merredin and his wife did not “continue to contact him” there would not be a risk.



¹ Volume 1 Tab 7 at p.27

The case was again adjourned until 12 September 2008 when Her Honour was advised that the Violence Restraining Order was back on foot and that Mr Pickett wanted to have counselling. Ms Webb, on behalf of Mr Pickett, made the submission that Mr Pickett had been to see two tarot card readers who had told him that his wife was having an affair and it was because of that he had convinced himself that his wife was seeing someone else.

It was submitted by Ms Webb that Mr Pickett knew that he could not have any contact with his wife and contended that he had no intention of having further contact with her.

Kennedy CJDC decided to impose a sentence which would make him eligible for parole immediately and imposed a sentence of 14 months imprisonment, backdated to commence on 14 February 2008.

She observed, however, that although he was eligible for parole immediately, he would have to go back into the prison where a parole plan would be determined and directed him that if he did anything during the parole period he would be taken back to prison.



MR PICKETT'S RELEASE ON PAROLE

On 18 September 2008 the Parole Board deferred Mr Pickett's release to parole pending a Community Correction Officer's report and updated information from the Victim-Offender Mediation Unit.

The file was allocated to Nina Cooper, Mediation Officer with the Victim-Offender Mediation Unit on 18 September 2008.

On 3 October 2008 Ms Cooper established telephone contact with Andrea and an interview took place regarding her views and concerns over future contact with Mr Pickett.

Andrea referred to having visited Mr Pickett in prison and his allegedly threatening to kill her brother. She stated that was a turning point and she had decided she wished to have no further contact with him.

It is possible that this reference to a threat to Andrea's brother was to an incident which was described to in a Department of Corrective Services Incident Description Report dated 17 May 2008. It appears that Andrea had spoken to Mr Pickett on the day before, ie 16 May, when he had threatened that when released he would do "something stupid" to her brother and then to her and the children. He said that he would soon be back in prison.



The response by the Department of Corrective Services was to arrange for a Senior Officer to interview Mr Pickett. Senior Officer Davies apparently spoke to Mr Pickett and according to the Incident Report Mr Pickett had "seemed quite normal". No further action appears to have been taken in relation to the threats.

During the interview with Ms Cooper Andrea stated that despite her concerns about Mr Pickett and her belief that he may have been mentally unstable she was prepared to allow him access to their children in certain circumstances.

Ms Cooper, in her report relating to Mr Pickett, recorded that Andrea had expressed deep concern that her husband would harm their children as a means "to get to her" once he was released. She noted that Andrea did not believe that Mr Pickett was "right in the head" and stated that he could change moods in an instant. Andrea said that he "thinks the worst all the time" and has "violent thoughts". In that context the Unit recommended that any release order relating to Mr Pickett be endorsed with the special condition -

To have no direct/indirect contact with the victim.



The Prisoners Review Board issued a parole order on 30 October 2008 providing a release date for Mr Pickett of 1 November 2008.

Mr Pickett was released on parole on 1 November 2008. He was to reside at 27 Dorian Street, Narembeen, and was subject to specific requirements –

You must also : [requirements under S30]

- Attend programmes as directed to address offending behaviour
- Have no contact direct/indirect with victim/s
- Not change address w/out prior approval of Community Corrections Officer

The reasons for the decision were given as –

- ⚡ Community based programmes available.
- ⚡ First term of imprisonment.
- ⚡ Viable parole plan.

Mr Pickett attended the Northam Community Justice Service office on 3 November 2008. At that time he had not been assigned a supervising Community Corrections Officer, but Susanne Jones was the duty Community Corrections Officer and saw him. The supervision of Mr Pickett was later assigned to her.

The Department of Corrective Services conducted a Harm and Supervision Assessment (HASA) on Mr Pickett in respect of the offence he had committed and determined that he posed, “a low risk to the community”. The HASA



document was completed by staff of Maddington Community Justice Services on 4 November 2008.

This assessment included reference to an Actuarial Risk Assessment (ARA) which determined that he posed a low risk.

The HASA document was not filled in accurately as under a heading, "Are the client's previous convictions associated with any of the following?" there were no entries against "weapons" or "Restraining Order".

The observation was made –

Client poses a low risk of re-offending. Given that he now resides away from Perth he poses minimal harm to his ex-partner who is the victim of his current offending for which he was incarcerated for (sic).

It was ultimately determined that the requirements on Mr Pickett's parole indicated that he should be supervised at a "medium level".

Further in the report was an observation that Mr Pickett was "... very enthusiastic about and indicated that he is willing to engage in relevant counselling".

In the context of the prior behaviour of Mr Pickett, this HASA assessment was clearly seriously deficient.



Because Mr Pickett was not located close to her office, Ms Jones decided that Mr Pickett should be directed to make weekly telephone contact which would constitute a "medium" level of supervision. Mr Pickett was able to make a call from any landline or paid telephone and usually reported using his mobile telephone.

No checks were conducted to ensure that Mr Pickett was in fact residing at Narembeen apart from one visit to the house and there was no effective means of monitoring the condition of his parole that he not change his address without prior approval.

Although the fact that Mr Pickett was required to live at Narembeen was seen as a protection for Andrea while she lived in Perth, nothing was done to ensure that Mr Pickett remained in Narembeen. He was staying with his sister and brother-in-law in Narembeen but neither of those persons were advised of the conditions of parole or asked to advise anyone if Mr Pickett left their home.

Mr Pickett advised Ms Jones that he intended to travel to Perth to visit some of his children and Ms Jones was of the view that to do so would not breach the requirement that he not change address without prior approval, in that he was not changing address and was only visiting Perth for a period of days.



She was of the view that if he wished to travel away from Narembeen for a number of days he was not even required to let his Community Corrections Officer know as doing so did not involve a change of address.

She agreed that she did not ask where he was located during telephone calls and said that she was very much reliant on the honesty of the "client".

Although one of the reasons for releasing Mr Pickett on parole was the fact that community based programmes were available and he claimed to be eager to undergo counselling, by the time of the murder no counselling had taken place. Mr Pickett had received no counselling while he was in custody either as during that period he had been on remand and priority for counselling was allocated to sentenced prisoners.

On his release on parole it appears no effort was made to organise any counselling until 18 November 2008 when during a telephone conversation with Mr Pickett, Ms Jones provided him with the details of a Central Agcare counsellor so that he could arrange an appointment and instructed him to arrange the appointment before the next contact which was to be on 25 November 2008.

On 24 November 2008 Ms Jones received a telephone call from Mr Pickett advising that he was having trouble



getting through to the Central Agcare counsellor but had eventually made contact with the agency and was waiting for someone to return his call.

On 25 November 2008 Mr Pickett reported to the court officer at Merredin Courthouse.

On 2 December 2008 Mr Pickett advised Ms Jones by telephone that he had not been able to follow-up his appointment with the counsellor.

On 9 December 2008 Mr Pickett contacted Ms Jones by telephone and advised that he was intending to go to Perth with one of his sisters at Christmas and would probably stay with one of his daughters in Gosnells or Westfield.

On 18 December 2008 Mr Pickett failed to report by telephone and failed to attend an Agcare assessment which had been organised for him.

On 23 December 2008 Ms Jones made telephone calls to two mobile numbers which she had for Mr Pickett.

On 24 December 2008 Mr Pickett contacted Ms Jones by telephone and stated that he had "forgotten" his



appointment and had “confused” his psychological appointment day².

Mr Pickett advised that he was travelling with his sister to the metropolitan region for a “couple of days”³ and was staying with his eldest daughter.

Ms Jones reminded Mr Pickett to abide by the protective conditions in place in relation to Andrea including the Violence Restraining Order.

On 6 January 2009 Mr Pickett reported to Ms Jones by telephone. She assumed that he was back in Narembeen at this time but could not recall whether she asked him where he was during the conversation.

On the weekend 10-11 January 2009 a message was left for Ms Cooper of the Victim Offender Mediation Unit to contact Andrea and on 12 January 2009 she telephoned Andrea in response to that message.

At that stage Andrea reported that she had been approached by Mr Pickett brandishing a knife and stated that she feared for her life as Mr Pickett was “still out there”.

² Statement of Susanne Jones dated 30 June 2011, para 155

³ Supra at para 159



Ms Cooper liaised with her senior officer, Tracy Marshall, about concerns she had in relation to Andrea's safety and raised the possibility of passing the parole release address of Mr Pickett to police.

According to Ms Cooper⁴ –

Due to VMU protocol and issues of confidentiality, I was told that I was not able to directly provide Kenneth's address to police but was able to render details of the supervising CCO and CJS centre.

No advice has been received to indicate that VMU's protocols on information sharing with police has changed.

According to Ms Cooper she took this action because Andrea seemed frightened, she was concerned about the case and the fact that there was an alleged threat with a knife.

Police were not advised of the parole address of Mr Pickett and police officers investigating offences committed by Mr Pickett against Andrea shortly before the death were not advised of that address by the Department of Corrective Services until after she had been murdered.

It is clear that the parole supervision of Mr Pickett provided no protection for Andrea.



⁴ Statement of Nina Marie Cooper dated 15 November 2011 paras 65-67

ANDREA'S EFFORTS TO OBTAIN A DURESS ALARM

On 2 December 2008 the South-East Metropolitan District Family Protection Co-ordinator with WA Police applied for a duress alarm to be installed in Andrea's home as part of the ongoing risk management strategy.

A tasking request went to the Police Technical Unit for their attention.

On 3 December 2008 the Police Technical Unit advised that they were unable to attend to the request as a result of a lack of duress alarms.

On 9 and 10 December 2008 the Police Technical Unit attended at Andrea's home to install the alarm but were unable to do so as she was not present. Prior to attending the address the Police Technical Unit did not contact either Andrea or the South-East Metropolitan District Family Protection Co-ordinator to ensure that someone would be present at the address to assist with the installation.

On 11 December 2008 the case was discussed at the Armadale Regional Coordinated Response meeting and the Department for Child Protection representative advised that they were involved in conversations with Andrea and there was still a need for the alarm to be installed.



On 8 January 2009 information was received that Andrea had moved out of her home address and was residing in Mirrabooka with relatives as Mr Pickett had been living at or nearby her house and she was concerned for her safety if she remained at the address.

Consequently the duress alarm was never installed. No alternative protective arrangements were put in place after it was decided that a duress alarm would not be installed.

Clearly it was an extremely unsatisfactory situation that no duress alarms were initially available and the failure on the part of the Police Technical Unit to contact Andrea or the Family Protection Co-ordinator to ensure there would be someone present at the house when they came to install the alarm constituted unacceptable incompetence.

When it became known that Andrea had moved out of her home through fear, in a context where it had earlier been considered necessary to install a duress alarm, she should have been contacted to ensure there a suitable protection strategy in place for her.



THE INCIDENT OF 8 JANUARY 2009

On 8 January 2009 Andrea attended Armadale Police Station to report a breach of a Violence Restraining Order by Mr Pickett.

She advised that when she visited her home at 27 Chadwick Parade, Brookdale, on that day she discovered 30 pages of letters written by Mr Pickett in her daughter's room and she also found a machete in the same room.

A case file was compiled and forwarded to the Inquiry Team at Armadale Detectives for investigation and the file was received at Armadale Detectives on 9 January 2009. It had not been allocated to any officer for investigation at the time of the murder.

Andrea's cousin, Dianne Simmons, who had attended Armadale Police Station with Andrea at the time when she made the complaint, gave evidence that at the time of their reporting the incident police officers were "messaging around with the machete, doing swordy things" and they were convinced that the officers would do little, if anything, to help. According to her they were told to hurry up and finish making statements as the officers were going to close the police station.



The incident report relating to this matter in its "narrative" section makes no mention of the finding of the machete although under a heading relating to property there is a reference to a 40cm machete having been seized.

THE INCIDENT OF 10 JANUARY 2009

At 9pm on 10 January 2009 Andrea's neice, Jade Bentley, rang 000 to report the fact that Mr Pickett had pulled a knife on Andrea. Ms Bentley advised that they [she, Andrea and two girls] were walking towards shops along Reid Highway when Mr Pickett had pulled out a knife and was screaming abuse at Andrea. She advised the operator that there was a restraining order in place to protect Andrea from Mr Pickett.

She advised that they would be at
Mirrabooka.

The incident was attended by First Class Constable Richard Busby and Constable Matthew Horsley. Constable Horsley was a probationary constable at the time with about one year of operational experience.

They attended [redacted] where they saw four women including Andrea and Jade Bentley. The women were all hysterical at the time and Constable Busby attempted to calm them down.



The women told Constable Busby that Mr Pickett had accused Andrea of cheating on him and told her that he was going to kill her.

They told him that one of them had thrown a bottle at Mr Pickett but it had missed and hit Andrea in the head.

Constable Busby was told that Mr Pickett had run away and it was possible that he had driven off.

They all went to Mirrabooka Police Station where statements were obtained.

While they were at Mirrabooka Police Station one of the girls who had been involved in the first incident received a telephone call which advised that Mr Pickett was at [redacted] trying to gain entry.

The women were left in the office and Constables Busby and Horsley went to [redacted]

At that address they found the residents of the house who according to Constable Busby appeared, "absolutely petrified". They said that Mr Pickett had tried to force his way into the house and had been brandishing a knife.

They told the officers that they had locked themselves inside the house.



Constable Busby called for other vehicles to attend to assist to locate Mr Pickett. He wished to conduct a grid search of the area for Mr Pickett which would have required a number of officers. He was advised that no other vehicles were available in spite of the fact that his advice had been that the offender was "armed and dangerous".

Constable Busby drew his firearm and Constable Horsley drew his taser. They conducted a brief search for Mr Pickett without success.

After the search outside the house they then searched the inside of the house and spoke to the occupants for a short period of time.

While taking the statement from Andrea she had told Constable Busby that her husband had been released from prison recently and she was petrified that she was going to be killed by him.

She described him as a proficient tracker and said that he was a bushman who was a very good hunter.

Constable Busby spoke to her about emergency accommodation and offered to make telephone calls to Crisis Care to arrange emergency accommodation for her.



She told Constable Busby that because she had so many children, Crisis Care had never been able to properly accommodate her and it was not even worth the effort of trying.

Although Constable Busby offered to call on her behalf and make a strong case for her she reiterated that he need not make the effort, she said that she had family in North Beach and she believed that she would be safe there.

Constable Busby was not comfortable with the decision so he asked her to make an entry in his notebook.

Andrea wrote in the notebook⁵ –

PC Busby has offered to arrange emergency housing and a lift to my sister's house but I have to decline his offer.

Andrea subsequently left Mirrabooka Police Station in a car belonging to friends or family.

In respect of the search for Mr Pickett, according to Ms Simmons during the first incident Andrea had asked whether dogs could be used to search for him and had been advised that dogs were not available. According to Constable Busby he had considered using the Police Dog Unit himself but all dog units were in Moora at the time and no other backup was available.



According to Ms Simmons they had raised the question of a helicopter being used in the search, but were told that the helicopter was being serviced and could not be used. Constable Busby was unable to provide further information in respect of that possibility.

While police were in attendance at after the second incident on 10 January 2009, they discovered that the front tyre of Andrea's vehicle had been slashed and it was believed that the damage must have been done by Mr Pickett using a knife.

Although the second incident on 10 January 2009 had been particularly serious the gravity of that incident was not reflected in the police Incident Report which was prepared relating to both matters which recorded that Mr Pickett had been "found hiding outside Mirrabooka". The report also contained the observation, "It is believed that he may have attempted to force entry to the premises in order to find the complainant". That did not reflect the fact that there had been a very clear allegation by four apparently terrified witnesses to the effect that he had deliberately attempted to force entry to the house while armed.



No statements were obtained in respect of the second incident and nothing was done to investigate that matter until after the murder.

Constable Busby was involved in attending other jobs later on that night but at about 4:39am he booked a job for police to attend an address in Kelmscott to check on the welfare of one of Andrea's daughters and attempt to apprehend Mr Pickett.

Later that evening it appears that Constable Horsley placed an alert on the Police computer system relating to Mr Pickett and the vehicle he was driving.

At the end of the shift information relating to what had occurred was passed to the dayshift to follow-up.

On the following evening, 11 January 2009, Constable Busby was again working night shift. He checked to see if there had been developments in relation to apprehending Mr Pickett and was informed that vehicles had been despatched to several addresses in an effort to locate Mr Pickett during the day without success.

It appears that at that time police were not aware of the fact that Mr Pickett had been required by his parole conditions to stay at an address in Narembeen. None of the officers involved in searching for Mr Pickett were aware of



the parole conditions. This was significant because it appears that Mr Pickett may have been at the address in Narembeen for a period during the time when police were first looking for him and certainly there was a possibility that those at the address would have been able to provide other addresses for police to search for Mr Pickett.

At the end of the shift on 11 January 2009 Constable Busby placed the case file in the hands of the day shift team and advised that it was an urgent matter. The file was to be handed to the inquiry team.

On 12 January 2009 Constable Busby again worked the night shift and was advised that Andrea had contacted police and left a message for him to contact Ms Jones, Mr Pickett's Community Corrections Officer, who would be able to provide an address for Mr Pickett. Constable Busby called the number for Ms Jones a number of times but there was no answer as the office was closed.

THE MURDER

On the night of 12 January 2009 Andrea was in hiding, staying with her cousin, Dennis Simmons at his premises at 6 Wilby Street, North Beach.

At about 11:30pm Mr Pickett entered the house through a window of a bedroom being occupied by a man



named Doyen Radcliffe. Mr Pickett stabbed Mr Radcliffe in the neck with a knife causing a gaping wound.

Mr Pickett then went back through the window to the front of the house and pursued Andrea who was attempting to escape with a young daughter.

Mr Pickett stabbed her repeatedly causing 17 stab wounds. He then ran from the area leaving Andrea, who died where he had left her.

The little girl was not located by police until nearly 4½ hours after her mother had been murdered when she was located hiding under a small table near the front window of the house.

Mr Pickett had used two knives in the attack.

Mr Pickett pleaded guilty to the murder, breaching a Violence Restraining Order on 10 January 2009 and on 12 January 2009 and assaulting Mr Radcliffe on 12 January 2009. He was sentenced to life imprisonment with a minimum period of 20 years before which he could not be released. The life term was backdated to commence on 13 January 2009.



HOW MR PICKETT DISCOVERED THAT ANDREA WAS STAYING AT 6 WILBY STREET, NORTH BEACH

It was a concern of Andrea's family that Mr Pickett found her at 6 Wilby Street, North Beach, where she was attempting to hide from him.

It was obvious from the way in which Mr Pickett entered the house, armed with two knives, and immediately attacked Mr Radcliffe, that he was aware of the fact that Andrea was in hiding at that address.

Family members wanted to know how he found out where she was hiding.

Family members were also concerned by the fact that WA Police had not been able to apprehend Mr Pickett prior to the murder and wanted to know where he had been and whether it would have been reasonably possible for him to be located by police and arrested.

It did appear that prior to the murder Mr Pickett was staying with adult daughters at different locations.

On 11 January 2009 when the young children were collected to take them to 6 Wilby Street, North Beach, they had been picked up from where they had been staying at 9 Grovelands Way, Kelmscott, and 7 Chadwick Parade, Brookdale. A number of people had been present at those



addresses and had seen Andrea collect the children in the company of Dennis Simmons.

It would appear likely that Mr Pickett was aware that Andrea had been with Dennis Simmons when the children had been picked up and in that context he would have been able to deduce that they were going to Mr Simmon's address in North Beach.

It is also possible that Mr Pickett followed Andrea to North Beach.

An effort was made to provide answers to Andrea's family's questions in relation to these matters by calling Mr Pickett as a witness.

Mr Pickett gave evidence on videolink from prison.

The situation was explained to Mr Pickett prior to his giving evidence and he was advised that he would not be questioned about the circumstances surrounding the murder itself.

Mr Pickett's response to all relevant questions was to say, "No comment".

Mr Pickett was directed to answer questions pursuant to section 46 of the *Coroners Act 1996* and it was explained



to him that in failing to comply with that direction, he would be guilty of a crime.

Mr Pickett still refused to co-operate and his response to all relevant questions continued to be, "No comment".

It appeared that Mr Pickett showed absolutely no remorse for his murder of Andrea and was not concerned in the slightest about the distress caused to her family by his failure to answer their reasonable questions.

CONCLUSION

Andrea was murdered at 6 Wilby Street, North Beach, on 12 January 2009 by her estranged husband, Kenneth Charles Pickett.

The murder followed a long period of family domestic violence and prior to the murder there had been a number of incidents when police had been called.

A particularly worrying feature of the case was the fact that the murder took place at a time when Mr Pickett was on parole in respect of a conviction for threatening to kill Andrea and that he had only been released from prison on parole on 1 November 2008, a little more than two months before he put his threat into effect.



A further worrying feature of the case was that at the time of her murder there was a violence restraining order in place, intended to provide Andrea protection from her husband.

Andrea was clearly frightened of her husband and believed that he would kill her, as he did.

She had told police, Department of Corrections staff and Crisis Care staff about her fears, yet no effective protective arrangements were in place at the time of her murder.

In respect of Mr Pickett's release on parole it appears that parole conditions did nothing to protect Andrea and police involved in investigating domestic violence incidents shortly before her death were not even aware of the terms of the parole order or the address at which he had been required to stay.

Although Andrea had sought to escape from her husband to a safe location, none was available and it appeared that very often there was no secure accommodation which would be available through Crisis Care or otherwise for a woman with a number of children in the position Andrea found herself.

I find the death arose by way of Unlawful Homicide.



COMMENTS ON MATTERS CONNECTED WITH THE DEATH

1. The Failure to have a Plan in place to Respond to the Threats to Kill Andrea

Mr Pickett repeatedly threatened to kill Andrea prior to her murder and the fact that he had made those threats was known to police, the Department for Child Protection and the Department of Corrective Services but no plan had been put in place to prevent Mr Pickett from carrying out his threats prior to her murder.

In my view a plan should have been in place prior to Mr Pickett's release on parole which would afford Andrea maximum protection from him.

It appears that there is no organisation or department which has the role of protecting victims of crime in circumstances such as those which Andrea found herself in.

The Department of Corrective Services and the Department for Child Protection appear to have limited roles in respect of protection of such victims and the role of police is largely reactive, although in this case it is noted that some very limited arrangements were put in place to protect her including the proposed installation of a duress alarm. Unfortunately those arrangements were marred by incompetence and no protections were put in place.



RECOMMENDATION No. 1

I RECOMMEND THAT THE DEPARTMENT FOR CHILD PROTECTION, THE DEPARTMENT OF CORRECTIVE SERVICES AND WA POLICE WORK TOGETHER WITH A VIEW TO PUTTING IN PLACE PROCEDURES WHICH WOULD INVOLVE ENSURING THAT THERE IS A PLAN IN PLACE TO PROTECT VICTIMS OF CRIME PRIOR TO THE RELEASE ON PAROLE OF OFFENDERS BELIEVED TO HAVE THREATENED HARM OR TO BE INTENDING HARM TO THOSE VICTIMS.

2. The Failure to Provide Safe Accommodation to Andrea and her Young Children

After Mr Pickett's release from prison for charges of threatening to kill her on 1 November 2008 and previously Andrea had sought safe accommodation for herself and her young children in order to avoid their being killed by Mr Pickett. Andrea feared not only for her own life, she also feared that Mr Pickett might attempt to get to her through her young children.

No suitable safe accommodation was ever provided.



The last occasion on which Andrea sought help in the form of safe accommodation took place on 11 January 2009 when she rang Crisis Care and spoke to Laura North, employed by the Department for Child Protection.

On that occasion Andrea was described as being tearful and said that her ex-husband had tried to stab her the night before and that she had a Violence Restraining Order out against him. She stated that she had contacted police the night before who had offered to accommodate her however she had declined that accommodation. The reasons for her decision to decline the offer are referred to herein and relate to the fact that she did not believe that accommodation would be provided for herself and her children (her belief in that regard appears to have been justified).

She told Ms North that Mr Pickett repeatedly breached his Violence Restraining Order and she did not feel able to stay with any family members as to do so would put them at risk.

Ms North advised that there were no refuges available at night with accommodation for her and seven children.

There was then a discussion about providing separate accommodation for some of the children. Ms North offered to inquire about other available accommodation and asked



Andrea to call back later. Ms North subsequently contacted Toorak Lodge and was advised that accommodation was available there for four people.

As Andrea did not call back this information was never conveyed to her.

In my view accommodation at Toorak Lodge would have been wholly inappropriate for a person in Andrea's position. It was essential for Andrea to be accommodated in a secure location with appropriate duress alarms and security which would provide a real protection against Mr Pickett.

It was also inappropriate to expect Andrea to call back and not to make enquiries as to whether there was a means Ms North could contact her. Andrea had stated that she was calling from a telephone box in North Beach and it was obvious that making further calls could be difficult and possibly dangerous for her.

According to Ms North finding refuge accommodation for large families at the time was "mostly impossible".

Emma White, Executive Director with the Department for Child Protection, gave evidence that it is still extremely difficult for Crisis Care to arrange accommodation for women with a number of children.



She said that in this case there should have been earlier planning for Andrea and her children so that possible avenues of providing accommodation could have been explored, hopefully prior to Mr Pickett's release from prison.

She stated, however, that accommodation currently available is extremely limited and serious problems are encountered in seeking to obtain suitable accommodation through the private sector.

Angela Hartwick, Chief Executive Officer of the Women's Council for Domestic and Family Violence, gave evidence at the inquest in relation to this issue.

She advised that there are currently 18 women's refuges in the metropolitan region and 21 in rural and remote locations of Western Australia.

She advised that the official refuges have duress alarms, appropriate fencing and suitable security arrangements including security cameras etc.

Ms Hartwick referred to WA Police statistics relating to call outs to domestic and family violence incidents which revealed that these have steadily increased over the last six years from approximately 22,000 in 2005 to 35,000 in 2010. It appears that part of this increase is due to an increased



willingness on the part of victims to report incidents of domestic and family violence, but there can be no doubt that the number of incidents is extremely high.

Ms Hardwick advised that in the metropolitan area the 18 women's refuges include two models, one being communal living and the other a cluster style which involves use of self contained independent units.

In respect of the communal style refuges it is sometimes possible to accommodate a large family by offering the mother and her children two rooms within the refuge when these are available, but unfortunately it is rare for a refuge to have two rooms vacant at any one time.

Ms White advised that service agreements with the refuges have been relaxed to allow refuges to be more flexible in accommodation arrangements so as to be able to accommodate larger families, but there are still many periods when accommodation for larger families cannot be obtained.

Evidence at the inquest indicated that while WA Police provides secure accommodation for a very small number of protected witnesses, that programme would not be suitable for a person in Andrea's position as it is necessary for such persons to sever all ties with friends and family during the period of protection. In Andrea's case it would have been



important to ensure that she could have some ongoing contact with her own children and close family members.

RECOMMENDATION No. 2

I RECOMMEND THAT THE DEPARTMENT FOR CHILD PROTECTION REVIEW THE ACCOMMODATION AVAILABLE TO VICTIMS OF DOMESTIC AND FAMILY VIOLENCE TO ENSURE THAT IN THE CASE OF WOMEN WITH CHILDREN WHO ARE THE SUBJECT OF THREATS OF EXTREME VIOLENCE SECURE ACCOMMODATION CAN BE PROVIDED FOR THOSE WOMEN AND FOR THEIR YOUNG CHILDREN. IN CASES WHERE IT IS LIKELY THAT WITHOUT SUCH ACCOMMODATION BEING PROVIDED, THE WOMEN OR CHILDREN MAY BE MURDERED, PROCEDURES SHOULD BE IN PLACE TO ENSURE THAT THERE CAN BE IMMEDIATE PROVISION OF A PLACE OF SAFETY.

3. The Release of Offenders on Parole, Monitoring of Risk to Victims

(a) The Harm and Supervision Assessment (HASA)

In determining the way in which Mr Pickett's parole would be monitored regard was had to a Harm and Supervision Assessment (HASA) prepared by the Maddington Community Services Branch of the Department of Corrective Services on 6 November 2008, shortly after Mr Pickett's release on parole.



That assessment resulted in a conclusion that –

Client poses a low risk of re-offending. Given that he now resides away from Perth he poses minimal harm to his ex-partner who is the victim of his current offending for which he was incarcerated for.

That determination, particularly with the benefit of hindsight, was an outrageously inadequate and inaccurate one.

The proposition that the fact that Mr Pickett was intended to reside at Narembeen in some way resulted in him posing a low risk to his ex-partner was a nonsense.

It is noted that in this case –

- ✦ It was easy for Mr Pickett to travel to Perth as a result of the invention of the motor vehicle;
- ✦ Mr Pickett had children in Perth who he was intending to visit and so it was likely that he would be visiting Perth; and
- ✦ His Community Corrections Officer did not consider that visits to Perth compromised the requirement that he not change his Narembeen address and during the course of his parole it was understood that he would be visiting Perth on occasions.

It is noted that the entries on the form describing the client's previous convictions appeared to overlook the fact



that he had breached restraining orders and that he had a weapon in his possession.

It appears that in part that assessment was based on an actuarial risk assessment in respect of which his score put him in the low risk category.

Considering the history outlined herein, the ongoing threats by Mr Pickett to kill his wife including threats made while he was in prison, the fact that he had been carrying a knife and the fact that even when interviewed by a psychologist in the prison he conceded that he might still be a risk to his wife, this assessment was grossly inaccurate.

In a review conducted by the Professional Standards Division of the Department of Corrective Services⁶ it was observed that information in the HASA raised some concerns regarding the competency of staff assessment skills, particularly in domestic violence related matters. In my view that was a serious understatement of the situation.

In addition it appears that while the Department of Corrective Services had access to all, or at least most, of the relevant information such as the sentencing transcripts and the psychologist's report, not all of that information was available to those conducting the risk assessment.



⁶ Exhibit 14

According to Steven Robins, Assistant Commissioner, Adult Community Corrections, there is a form of advanced training relevant to HASA available for Community Corrections Officers known as the Spousal Assault Risk Assessment and he advised that there is a proposal to have this training made available to all staff. There was, however, no evidence as to what this form of assessment entailed.

In my view the assessment of risk should be based on facts relevant to a particular case, not based on some artificial actuarial assessment such as the one included in the HASA report on this occasion.

In this case Mr Pickett had threatened to murder Andrea and there were good reasons to believe that he intended to act on his threat, there was no need for some form of training or technical risk assessment to be carried out, it should have been obvious that Andrea was at risk.



RECOMMENDATION No. 3

I RECOMMEND THAT THE DEPARTMENT OF CORRECTIVE SERVICES REVIEW ITS PROCESS OF ASSESSING THE RISK OFFENDERS ON PAROLE POSE TO VICTIMS AND USE A COMMON SENSE APPROACH BASED ON THE FACTS OF THE PARTICULAR CASE RATHER THAN ANY FORM OF ACTUARIAL RISK ASSESSMENT OR USE OF STATISTICS WHICH DO NOT REFLECT THE GRAVITY OF THREATENED VIOLENCE OR THE TRUE CIRCUMSTANCES OF THE CASE.

IN ADDITION EVERY EFFORT SHOULD BE MADE TO OBTAIN ALL OF THE AVAILABLE INFORMATION RELATING TO THE RISK PRIOR TO CONDUCTING ANY SUCH RISK ASSESSMENT.

4. The Parole Conditions – the requirement that Mr Pickett reside at Narembeen

As indicated earlier in these reasons the condition of Mr Pickett's parole that he not change his address without the prior approval of his Community Corrections Officer was an ineffective means of protecting Andrea.

In cases where it is considered that the geographic location of the parolee is a protective factor, the advice of the Department of Corrective Services to the Parole Board should recommend conditions which would involve actual monitoring of the location of the parolee.



In this context some form of ankle bracelets or electronic or GPS monitoring may provide a capability for monitoring of the parolee which would be meaningful.

RECOMMENDATION No. 4

I RECOMMEND THAT WHERE IT IS SUGGESTED BY THE DEPARTMENT OF CORRECTIVE SERVICES THAT A CONDITION RELATING TO THE GEOGRAPHIC LOCATION OF A PAROLEE COULD PROVIDE A PROTECTION TO A VICTIM, THE ADVICE SHOULD PROVIDE A PRACTICAL MEANS FOR MONITORING THE WHEREABOUTS OF THE PAROLEE SO THAT BREACHES CAN BE READILY IDENTIFIED.

5. The Monitoring of Parole Conditions

In this case Mr Pickett's parole monitoring was effectively conducted by his telephoning his community corrections officer. This did not enable the community corrections officer to monitor his parole in any effective way and in particular she was unable to monitor his location at the time of his making the telephone calls.



RECOMMENDATION No. 5

I RECOMMEND THAT THE MONITORING OF PAROLEES BY TELEPHONE CONTACTS SHOULD BE KEPT TO A MINIMUM AND THAT WHEREVER POSSIBLE PAROLEES SHOULD BE REQUIRED TO REPORT IN PERSON.

6. Information Exchange Between WA Police and the Department of Corrective Services

This case has highlighted a number of serious deficiencies in the exchange of information between the Department of Corrective Services and WA Police.

As noted earlier herein WA Police Officers investigating incidents on 8 and 10 January 2009 were not aware of Mr Pickett's parole conditions or his parole address.

The Department of Corrective Services was not involved in the discussions relating the proposal to install a duress alarm in Andrea's house and prior to her contacting the Victim Mediation Unit on 12 January 2009 had no knowledge of the fact that he was repeatedly breaching his parole.



Police officers involved in the investigations, Constables Busby and Horsely, were not familiar with any processes which would involve them in responding to the breaches of parole and took no action to inform the department of those breaches. In fact it appeared that the practice at the time was that WA Police had little or no involvement in policing breaches of parole conditions by parolees and WA Police computer systems did not record parole conditions.

Had police officers advised the department of Mr Pickett's breaches of parole, it is likely that a warrant for his arrest would have issued although in the circumstances of this case it is unlikely that the issuing of such a warrant would have changed the course of events.

It is remarkable that persons serving their sentences in the community on parole were not being monitored by police and police had little or no role in ensuring compliance with parole conditions.

It is also surprising that Narembeen police received no information in respect of the fact that Mr Pickett was to be residing in Narembeen on parole and, therefore, had no role in monitoring his behaviour.



RECOMMENDATION No. 6

I RECOMMEND THAT IF A PAROLEE IS TO RESIDE IN A REGIONAL SETTING LOCAL POLICE SHOULD BE INFORMED OF THAT FACT AND OF THE TERMS OF ANY CONDITIONS OF THE PAROLE.

RECOMMENDATION No. 7

I RECOMMEND THAT THE DEPARTMENT OF CORRECTIVE SERVICES AND WA POLICE WORK TOGETHER TO ENSURE THAT THERE IS SUFFICIENT INFORMATION SHARING SO THAT POLICE CAN HAVE AN EFFECTIVE ROLE IN MONITORING THE CONDITIONS OF PERSONS RELEASED ON PAROLE AND THERE ARE EFFICIENT MECHANISMS IN PLACE TO ENSURE THAT PAROLEES WHO BREACH PAROLE CONDITIONS CAN BE APPREHENDED AND, IN APPROPRIATE CASES, THE PAROLE REVOKED.



**THE RESPONSE BY WA POLICE TO PERCEIVED
INADEQUACIES IN RELATION TO THE INVESTIGATIONS
INTO VARIOUS INCIDENTS OF VIOLENCE PERPETRATED
BY MR PICKETT ON ANDREA AND ALLEGATIONS OF
BREACHES OF VIOLENCE RESTRAINING ORDERS**

Following Andrea's death the WA Police Family Violence State Co-ordination Unit conducted a review of the domestic relationship of Andrea and Mr Pickett. This was part of the role of the unit which is expected to conduct domestic violence homicide reviews in each such case. The homicide review is intended to examine the family domestic violence circumstances surrounding and leading to the death. The expectation is that the review will gather information on police actions and test those actions against WA Police policy and procedures and applicable legislation to identify deficiencies or to identify cases of best practice.

In this case a review was conducted by Detective Sergeant Steve Hayward. That review was based on an analysis of the records available on the police computer system and did not involve interview of witnesses or further investigations.

Considering the limited extent of the review, Sergeant Hayward performed an excellent analysis in which he identified numerous deficiencies in the approach to the investigations conducted by various police officers into the various domestic violence incidents and breaches of violence restraining orders referred to herein.



Detective Sergeant Hayward's report contained a number of recommendations and the inquest was provided with a report from Detective Sergeant Ryan Murphy of the Family Violence State Co-ordination Unit detailing the response to the recommendations on the part of WA Police.

In respect of the incidents referred to herein which took place on 6-8 January 2008, Sergeant Hayward was concerned that investigating officers had not taken ownership of the investigations and that prior to a decision being made that the file would be written off, contact had not been made with the District Family Protection Co-ordinator in order to obtain his opinion.

Sergeant Murphy advised that the current policy of WA Police in respect of intervention in family domestic violence incidents is one of pro-intervention, pro-arrest, pro-charge and pro-prosecution where evidence exists that a criminal offence has been committed.

He advised that prior to an investigation being discontinued, advice should be sought from the District Family Protection Unit officer and that currently police procedures require that withdrawal of family domestic violence complaints should only be done in strict accordance with discretionary guidelines.



In respect to a number of the other incidents referred to herein Detective Sergeant Hayward was concerned that all avenues of inquiry had not been explored, people central to the incidents had not been spoken to and investigations into alleged breaches of restraining orders had not been adequately conducted.

Sergeant Murphy advised that in 2010, as a result of a review into its investigative practices, WA Police had developed and put into practice the WA Police Investigation Doctrine (doctrine). This doctrine provides clear guidance on the style and manner in which investigations are to be conducted and is intended to ensure that there is standardised quality investigative practices across the agency.

The doctrine introduced five key investigative strategies which are said to be a practical means for identifying investigative actions and ensuring a thorough investigation in a structured framework.

While it was not possible at the inquest to determine the effectiveness of this proposal, it is clear that WA Police is alert to the concerns raised and efforts are being made to improve the quality of response.



Detective Sergeant Hayward was concerned that police officers investigating Mr Pickett's behaviour shortly before the death were not aware of the conditions of his parole.

According to Detective Sergeant Murphy this issue has been addressed and WA Police now receive daily discharge/reception lists from the Department of Corrective Services which detail all persons being released on parole. This list is forwarded to each police district and on notification the WA Police Offender Review Unit place an alert on parolee's name on the WA Police Incident Management System outlining parole conditions.

It appears, therefore, that significant steps have been taken to address this deficiency.

Detective Sergeant Hayward in his review identified a number of inadequacies in the response to the application by the Family Protection Co-ordinator for a duress alarm to be installed in Andrea's home. Particularly he was concerned by the fact that no duress alarms were available on 3 December 2008 and that subsequently, when on 9 and 10 December 2008 one was available, the Police Technical Unit attended at her home to install the device but no-one had been alerted to the fact that they were coming and there was no-one at the home to assist with the installation.



Detective Sergeant Murphy advised that as a result of Detective Sergeant Hayward's recommendations about this matter the Office of Crime Prevention has provided funding which has allowed the Police Technical Unit to purchase an additional 50 duress alarms (there is now a total 100) and 100 low light cameras.

In respect of the failure to ensure that the victim was alerted to the proposed installation of the duress alarm, Sergeant Murphy advised that new guidelines have been developed which would enable increased reporting between the District Family Protection Co-ordinators and the Police Technical Unit so as to prevent failures of this type from occurring in future.

Detective Sergeant Hayward raised concerns in respect of the failure to allocate a number of incidents referred to the Armadale Police Station to Armadale Detectives for their investigation and in particular he noted that in respect of the incident of 8 January 2009, the file had been received at the Armadale Detectives Office on 9 January 2009 but had not been allocated to any officer for investigation at the time of the death.

Detective Sergeant Murphy advised that WA Police Policy in relation to family domestic violence investigations has been amended and there is now a requirement for immediate response and local level ownership. He further



advised that Tactical And Command Meetings are conducted each morning to ensure that outstanding actions are completed by incoming shifts or specialised areas.

Detective Sergeant Murphy advised the court that WA Police have taken a number of important steps to address issues relating to family and domestic violence since Andrea's death and in particular a Family and Domestic Violence Strategy was created by the Family Violence State Co-ordination Unit in 2009 with a purpose of clearly articulating the aims and objectives of WA Police in regard to family and domestic violence.

This strategy has addressed areas of victim safety, both in the immediate and longer term, quality first response, timely commencement and completion of investigations, harm minimisation through referral to agencies for victim support and behavioural modification and prosecution of offenders.

Detective Sergeant Murphy also advised that steps had been put in place to implement a WA Police and Department for Child Protection Co-location Model to provide a more co-ordinated and collaborative response to domestic violence incidents.



He also advised that to advance WA Police's emphasis on victim support and prevention of child abuse in domestic violence a number of police sub-districts now have available station based family domestic violence advocates. The advocates are a non-government service assisting in providing a practical and therapeutic response outside of that which can be provided by police.

Without detailing all of the matters referred to by Detective Sergeant Murphy herein, it is apparent that WA Police is taking positive action to address a number of deficiencies identified in respect of this case.

It has not been possible at the inquest to explore the effectiveness of a number of these changes and it is noted that in her evidence Ms Hardwick expressed the view that on the ground a number of police officers were still not taking domestic violence allegations seriously enough, although she accepted that Detective Sergeant Murphy and other senior officers were doing good work to endeavour to address the problems.



In the context of the raft of actions being taken by WA Police to address these problems and the identified deficiencies in the various investigations in this case, I do not propose to make any recommendations in relation to the WA Police involvement.

A N HOPE
STATE CORONER

28 June 2012



