

Submission
No 34

**INQUIRY INTO EQUITY, ACCESSIBILITY AND
APPROPRIATE DELIVERY OF OUTPATIENT AND
COMMUNITY MENTAL HEALTH CARE IN NEW SOUTH
WALES**

Name: Mr Sam Woods

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News story published in October 2022 about the complex nature of mental illness and the difficulty for authorities to seek treatment, especially in rural areas where services are limited:

<https://www.gunnedahtimes.com.au/news/deputy-state-coroner-probes-gunnedah-death-in-custody>

Deputy State Coroner probes Gunnedah death in custody

The story of a young Gunnedah father whose life rapidly spiraled out of control and ended in tragic, violent circumstances, is being heard by the Deputy State Coroner this week.

Michael Peachey, 27, was being restrained by police during an apparent psychotic episode on the evening of May 20, 2021, when he lost consciousness and later died at Gunnedah Hospital.

An autopsy listed the cause of death as “unascertained”, meaning it is not known why he died.

Deputy State Coroner Magistrate Elizabeth Ryan said in her opening address that the inquest proceedings would cause Michael’s family “a lot of pain” but it was important to learn how the events transpired.

“I know they loved Michael deeply and this can cause great pain and sorrow,” she said.

“But we need to find out what happened to Michael that night.”

In the days leading up to Michael’s death, family members had observed a noticeable change in his behaviour, described as “erratic” and “a bit out there”. He also had various

interactions with police, ambulance officers and hospital nurses due to his unusual behaviour. He told others he was hearing voices in his head and referred to himself as a “pharaoh”. On one occasion a relative said: “Michael is scaring us, said he was going to eat us with no mouth and no teeth”.

Senior counsel assisting the coroner Kristina Stern said Michael was one of seven siblings and a healthy, popular child. He was interested in dirt bikes and cared for his younger siblings following the death of their mother.

Michael was described as an “attentive father” to his son but experienced a relationship breakdown with his partner in 2019.

A carpenter by trade, Michael was characterised as a “conscientious and enthusiastic” worker by his former employer.

But in the years following his mother's death, who died by suicide, drug use became increasingly prevalent. He started to smoke marijuana daily before progressing to "meth" in 2017.

He also had regular encounters with the judicial system and was previously convicted of resisting arrest, assault occasioning actual bodily harm, low-range drink driving and drive while disqualified, among other offences.

In early 2021, a few months before his death, Michael was disqualified from driving following a positive drug test.

His family said Michael's loss of his driver's licence led to an inability to travel for work, increasing drug use and rapid deterioration of his mental health.

In the 48 hours before his death, the inquest heard how Michael asked to borrow his father's car to buy some milk.

The car was driven onto the railway tracks in the early hours of the morning. Michael would later tell authorities "something told me I had to jump on that train".

Police arrived at the railway line at 5.14am. Paramedics also responded due to Michael's unusual behaviour, however, Michael showed no tendency to self-harm and generally, "seemed happy".

Nevertheless, he voluntarily accepted ambulance transport to Gunnedah Hospital for further assessment.

"The subsequent actions of the ambulance officers were a genuine attempt for a mental health assessment," Ms Stern said.

On arrival at the hospital, Michael was observed to have a high pulse rate but was otherwise in good spirits - maintaining good eye contact and holding conversation.

At about 7am, Michael complained of a toothache and was becoming increasingly restless and agitated.

By this time, he was pacing the hospital hallway "flicking a rubber glove". When asked to stop by nurses, Michael pulled more gloves from the dispenser. Registered nurse Heather Franke said the situation rapidly escalated as they waited for the "regular locum" doctor, who was unusually late, to attend the hospital and assess Michael's mental health.

Michael made repeated requests to leave and was "frustrated" the doctor had not arrived as nurses sought to pacify his behaviour.

“We were encouraging him to stay ... trying to calm him down,” Ms Franke said.

Staff said they felt “uneasy” about Michael’s presence and threatening tone. He also requested marijuana at the hospital. Police were called as staff believed things were “ramping up”.

Nurse Franke said Michael was now “verbally aggressive, swearing at us, getting louder and close to our faces”. She said Michael’s behaviour reminded her of a “critical incident” she experienced in the workplace a few years earlier.

Another nurse asked Michael with words to the effect, ‘did he wish to leave?’ Michael said yes and left the hospital without seeing the doctor and without a mental health assessment.

“I couldn’t force Michael to stay because he wasn’t scheduled [under the Mental Health Act] – he was free to walk,” Ms Franke said.

Police arrived at the hospital and were advised Michael left after becoming “abusive and threatening”.

He later told police: “I got sick of waiting and did not want to be there anymore”.

Michael returned to a relative’s house but was described as “not himself”.

About 5pm that afternoon, Michael was stopped by police for riding a bicycle on South Street with no helmet.

He told police he had “a cone” and that was why he was happy.

Attending officer Sergeant Brett Roden said he had no reason or cause at this stage to detain Michael on mental health grounds.

At about 10am the following morning (May 20), police were contacted about a man who was “going off” at a Gunnedah residence. It was alleged that threats of self-harm were also made.

Police attended and spoke with Michael outside the home. He denied the threats of self-harm but admitted smoking cannabis.

Sgt Roden described Michael’s behaviour as calm but peculiar and he was observed to be in a “meditative” stance, making unusual hand gestures.

“His body language was odd but all his answers to questions were normal,” he said.

Police said Michael was “presenting as fine” as he could confirm the day of the week and when he was due to be paid.

Relatives concerned for Michael’s welfare disagreed telling officers: “he’s f***** not, he thinks he’s the entity of beings”.

An ambulance was initially tasked to the scene but later cancelled and SC Stern said it was “unclear who called the job off”.

Sgt Roden was asked at the inquest if the family’s concerns about Michael’s mental well-being, including a direct request to “commit him please”, had any bearing on his decision making. The officer said he would have taken the same action - as to him, Michael appeared “calm and coherent” and could distinguish between reality and non-reality.

“I would take [the concerns] into consideration but still deal with what’s in front of me,” he said.

“I wasn’t going to detain someone based on the word of someone else.”

Asked by the court the extent of his official mental health training, Sgt Roden said he had completed a four-day course in 2010 and agreed revision would be beneficial.

Later that evening Michael was reportedly taking off his clothes, setting them on fire in the yard and running around naked. He had also wrapped a towel around his face and was talking to the fire.

Michael’s father said he had “no concerns” about his son’s mental health until two days prior to his death.

“I had never seen Michael behave like that before,” Mr Peachey said.

“It wasn’t him.”

Asked if he thought Michael would harm himself, Mr Peachey replied “no”, but he was worried his son may “do something stupid”.

On the night of Michael’s death, police arrived at a Herbert Street address at 8.17pm and were told Michael needed help. An ambulance also responded for a mental health assessment and were advised that children were also at that location.

Relatives present asked police to use handcuffs to help detain Michael but officers advised it was “not that easy”.

Police attempted to “disengage and de-escalate” the situation by moving away from the immediate scene. Officers said this was to minimise the risk of Michael becoming more agitated.

Michael’s father believed the situation at the time was under control, telling police “he’s in the nude, he’s not going to get far”.

As police returned their vehicle, Michael approached, grabbed the bull-bar and started “shaking it”.

Police attempted to make an arrest and a struggle ensued. OC-spray was used but had little effect and Michael absconded to a nearby residence.

Another scuffle broke out with occupants of the home as Michael attempted to gain entry.

As police approached, they witnessed a woman fall down the stairs.

Now inside the residence, police again attempted to restrain Michael. They deployed OC-spray again as well as a taser to his abdomen but to no effect.

Michael was kicking and moving his arms around but police were unable to engage the handcuffs due to his “unbelievable” strength at the time.

“The strength he had, I can’t even describe it,” one witness said.

Police were also witnessed telling Michael not to bite them before striking him in the face.

At 8.30pm an ambulance was called to the scene. Two minutes later Michael had been handcuffed.

SC Stern said the police body worn camera footage showed Michael demonstrated periods of relative calm and intense struggle.

By 8.51pm police were positioned across Michael’s back, attempting to hold him down in the prone position.

A statement later provided indicated the police restraint was “consistent with training and policy”.

It is estimated an ambulance arrived at about 8.50pm and prepared to sedate Michael. It was noted, however, that ambulance officers were unable to record all observations and use the necessary equipment due to Michael’s behaviour.

Ambulance personnel, who also witnessed Michael try to bite the arm of a police officer, administered the sedative at 8.57pm.

At 9.11pm, there was no audible response from Michael.

He was then placed on a stretcher, his handcuffs released and CPR started before being transported to Gunnedah Hospital.

His time of death was recorded as 10.10pm on May 20, 2021.

A report later determined it was “unlikely” the deployment of the taser or OC-spray caused his death.

The inquest heard that the restraints were also dismissed as contributing aspects.

“The high level of physical stress and exertion were major factors, not the restraints,” the report stated.

The inquest continues.