

POLICE BEHAVIOUR AT A 4ZZZ MARKET DAY
FUNCTION: REPORT OF AN INVESTIGATION

DECEMBER 1997

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4ZZZ complainants

Brendan Greenhill	Director
Heather Anderson	Director
Peter Rohweder	Function Coordinator
Terrence O'Connor	Director, also Administration and Security Coordinator for the function, and liaison officer between police and 4ZZZ
Donna Williamson	Volunteer worker

St John Ambulance

Nancy Tranby

CAP Security

Dale Hall

Police officers

Sergeant John McFaul and Acting Sergeant Mark Simpson (The two officers rostered to attend on special duty for the duration of the function. Sergeant McFaul was the Overall Field Commander and Acting Sergeant Mark Simpson the Field Commander.)

Senior Constable Craig Monley (extra uniformed police officer at function)

Sergeant John Vincent (Overall Field Commander of past 4ZZZ events; did not attend this function but chaired the meeting at the West End police station on 2 September 1996)

Sergeant Bernard Martin (Officer in charge of custody matters during function)

Senior Sergeant Noel Hattwell (Acting Regional Duty Officer for the City and Fortitude Valley areas)

Inspector John O'Gorman (Regional Duty Officer for the Metropolitan North Region)

Sergeant Paul Ziebarth (Senior Officer of the PSRT)

Captain Ross (Military Police)

Senior Sergeant Terence Nowitski (Shift Supervisor for the City)

Constable Tracey Thomas and Sergeant Peter Johnson (Mounted Police Unit)

Inspector Jim O'Donnell (Operations Commander)

Abbreviations

ATSI	Aboriginal and Torres Strait Islander
CAP Security	Contemporary Artists Protection Pty Ltd
CJC	Criminal Justice Commission
PSRT	Public Safety Response Team
QPS	Queensland Police Service

Executive summary

On 24 October 1996, two directors of the 4ZZZ FM Radio Station complained to the CJC about excessive use of police force at a 4ZZZ Market Day Function held on 19 October. The complaint, which included statements from 17 members of the public who had been at the function, was not so much directed at specific officers but at the Queensland Police Service in general.

Six other people made individual complaints to the CJC and another eight 4ZZZ workers complained. In investigating the allegations, CJC officers roughly grouped them into six broad, interrelated categories:

- 1 Excessive and/or unnecessary force used by members of the QPS to eject people from Musgrave Park
- 2 Military police assisted in ejecting people from Musgrave Park
- 3 Members of the QPS disregarded earlier policing and liaison arrangements made between the 4ZZZ Market Day Function Committee and the QPS
- 4 The 4ZZZ Radio Station harassed by members of the QPS
- 5 Specific allegations of assault
- 6 Other alleged police misconduct:
 - failure to give identification
 - unavailability of police staff to receive complaints
 - detention of arrestees in police vans for approximately two hours

The incident that caused the complaints was a melee that broke out on the evening of the day of the function, which was clearly set off by a severe storm that hit Musgrave Park without warning at about 8.20 p.m. The storm interrupted organised entertainment and forced large numbers of people to seek shelter in a congested area, including the bar area. In the cramped and chaotic conditions, brawls broke out, arrests were made, some people objected to what they saw as heavy-handed tactics on the part of police and, with violence escalating, the decision was made to disperse the crowd. As the storm had made the public address system unsafe to use, there was no way to calm the crowd and to explain to them what was happening, hence many people who were not doing anything wrong were caught up in the fray.

No-one doubts that the unexpected severe storm was a major contributing factor to the chaos or that there was not genuine wrongdoing on the part of some members of the crowd. However, the complainants strongly felt that the police's behaviour on the night was also a strong contributing factor. The presence of mounted police, of military police, and of police from the Public Safety Response Team (PSRT), complete with riot gear, incited troublemaking elements in the crowd and frightened other people thereby making it extremely difficult to disperse the crowd in an orderly way.

From the police's viewpoint, however, they felt they had no choice but to take the action they did considering the violence that was erupting all around them and the possibility that the situation might get completely out of control. Many police officers feared for their own safety and the safety of their fellow officers. Far from using excessive violence on the crowd, they felt that excessive violence was used on *them*.

Accounts of the events of the night differ depending on the individual experience of the person telling it. The CJC interviewed more than 90 people and yet it was rare for more than one witness to describe the same incident. Accounts given by the 4ZZZ representatives and other complainants are substantially different in some respects from those given by officers of the Police Service, members of the security company engaged at the function by 4ZZZ and other independent

witnesses. The differences in the accounts can be largely explained by the very nature of a melee involving thousands of people. It is simply not possible for any one person to see every incident. Indeed, it is unlikely that any one person would have seen anything more than a small portion of the events close to him or her, especially with the poor visibility because of the teeming rain and the inadequate lighting in the park. Therefore, it does not follow that because one person claims not to have seen a particular incident, it did not occur. That person may not have been in the right position or looking in the correct direction to have seen it. He or she may have been looking at another occurrence.

Furthermore, experience shows that even the most honest and forthright witnesses may give widely varying accounts of the same event when the incidents being recounted are chaotic, unexpected and desultory. This is especially so when some witnesses are heavily intoxicated having consumed alcohol over an extended period.

In these circumstances, it is difficult to make any positive findings about any particular incident. Bearing this in mind, each of the allegations will now be examined.

ALLEGATION 1: EXCESSIVE AND/OR UNNECESSARY FORCE USED BY MEMBERS OF THE QPS TO EJECT PEOPLE FROM MUSGRAVE PARK

The torrential downpour that occurred shortly after 8.20 p.m resulted in a number of consequences. The bands stopped playing and the other entertainment ceased. Members of the crowd fled from in front of the stage areas to seek cover. People attempted to find protection where there was only little cover available. A large proportion of the crowd congregated near the bar tent. It would seem that many were fearful that the tokens for alcohol which they had pre-purchased would not be honoured if the function closed. Power to some of the areas was cut off and the public address system was potentially unsafe to use.

A number of security officers became involved in separating people who had started fighting in the cramped area around the bar tent. As the number of fights grew, security officers called for assistance from police and other security officers. Plain clothes officers and security officers fought to restrain and arrest people who had been brawling and committing other minor offences.

On the evidence given by the police officers and the security officers, these arrests were warranted and reasonable. There is little evidence to suggest that any particular arrest was unwarranted or unreasonable. Almost all of those who were arrested pleaded guilty. Also of some significance, is that only two of the 71 people who were arrested complained to the CJC. Although some complainants asserted that people were arrested when they had not committed any offence, few, if any, of the complainants would have been in a position to know the particular reason for any arrest. Some suggested that people were arrested merely for sliding in the mud. Police witnesses, however, said that this caused annoyance, unrest and disquiet among other members of the crowd in the vicinity and frightened the horses.

On the evidence of the police officers and security personnel, some members of the crowd objected to the arrests. The crowd surged forward towards the police officers, the security officers and those who had been arrested. The mounted police rode forward to protect them. Cans and other projectiles were thrown at the police along with abuse and threats like 'kill the coppers'. Some people attempted to assault police. By all accounts, many people were very drunk.

Police officers and security officers, not surprisingly, spoke of having feared for their own safety and the safety of their fellow officers. The size of the crowd was in the vicinity of many hundreds, if not in excess of a thousand. The total number of police, including the two mounted police, was fewer than 20.

Meanwhile, the storm was at its height and water was pooling on the ground. Some described it as inches deep and sufficient to drown anyone whose face was forced onto the ground. No doubt,

this would have heightened apprehension. The evidence supports the view that the police officers genuinely believed they had little choice other than to have the officers from the PSRT put on their protective equipment and shields and to call for other police reinforcements. Furthermore, the evidence shows that this belief was reasonable in all the circumstances.

The CJC considers that by this time the conduct of the crowd had constituted an ‘unlawful assembly’ or a ‘riot’ within the meaning of section 61 of the *Criminal Code*:

- (1) When 3 or more persons, with intent to carry out some common purpose, assemble in such a manner, or, being assembled, conduct themselves in such a manner, as to cause persons in the neighbourhood to fear on reasonable grounds that the persons so assembled will tumultuously disturb the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an ‘unlawful assembly’.
- (2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as mentioned in subsection (1).
- ...
- (4) When an unlawful assembly has begun to act in so tumultuous a manner as to disturb the peace, the assembly is called a ‘riot’, and the persons assembled are said to be ‘riotously assembled’.

On the evidence of the police officers, the security officers and some complainants, police officers who arrived to assist were also abused and attacked by some members of the crowd, and were the target of flying cans and other projectiles. Even with reinforcements, the police contingent was hopelessly outnumbered by the threatening crowd. In all the circumstances, the decision to call for further reinforcements was a reasonable one at that time.

When Acting Inspector Hattwell arrived at the scene with further reinforcements, the throwing of projectiles and abuse continued. He considered that to adopt a strategy of arresting offenders would have depleted his forces and placed the police contingent under further threat. So he decided to clear the park. The evidence supports the police account that this was done by a number of sweeps, between which some opportunity was given to the crowd to leave voluntarily. Whether or not that opportunity was sufficient to allow all of those who wished to leave to do so cannot be established. For example, 4ZZZ function coordinator Terrance O’Connor said that he managed to convince some patrons in the bar tent to leave but that, because of the noise and confusion, many could not hear him.

The CJC considers that the decision taken at the time to disperse the crowd was one that was reasonably open to Acting Inspector Hattwell to make. Section 261 of the *Criminal Code*, which relates to the suppression of riots, is apposite:

It is lawful for any person to use such force as is necessary to suppress a riot, and is reasonably proportioned to the danger to be apprehended from its continuance.

Section 262 of the *Criminal Code* authorises a police officer to use such force as the officer believes on reasonable grounds to be necessary in order to suppress a riot, and is reasonably proportioned to the danger which the officer believes, on reasonable grounds, is to be apprehended from its continuance.

Also of relevance is section 260 of the *Criminal Code*:

- (1) It is lawful for any person who witnesses a breach of the peace to interfere to prevent the continuance or renewal of it, and to use such force as is reasonably necessary for such prevention and is reasonably proportioned to the danger to be apprehended from such continuance or renewal, and to detain any person who is committing or who is about to join in or to renew the breach of the peace for such time as may be reasonably necessary to order to give the person into the custody of a police officer.

- (2) It is lawful for a police officer who witnesses a breach of the peace, and for any person lawfully assisting the police officer, to arrest any person whom the officer or person finds committing it, or whom the officer or person believes, on reasonable grounds, to be about to join in or renew the breach of the peace.
- (3) It is lawful for a police officer to receive into custody and detain in custody any person given into the police officer's charge as having been a party to a breach of the peace by a person whom the police officer believes, on reasonable grounds, to have witnessed the breach of the peace.

Judicial comment suggests that a breach of peace occurs whenever harm is actually done or is likely to be done to a person, or, in his presence, to his property, or whenever a person is in fear of being so harmed through an assault, an affray, a riot, an unlawful assembly or other disturbance.

The evidence supports the view that clearing the park was authorised by sections 260, 261 and 262 of the *Criminal Code* in the circumstances.

However, it should be observed that because of the lack of communications in the form of another public address system or megaphone, many of the people in the crowd would not have been aware of the reason for their removal from the park. Not unreasonably, they asked, 'Why do we have to leave?'. It is clear that this is one of the primary reasons the crowd took exception to the police conduct and did not leave the park more rapidly. It seems that if the people had had explained to them why they had to leave before the scheduled time for closure of the function, many of them would have left the park more willingly. Many complainants were distressed by the fact that the situation was not explained to them by individual officers. This is not surprising because those officers who were thrown into the fray would not have known themselves. On the other hand, according to several accounts, including those of some complainants, despite a number of appeals made to the crowd by ZZZZ representatives, some members of the crowd refused to depart voluntarily.

On the evidence of the police officers, once the crowd had been herded outside the park into Russell Street, a large number of people continued to throw projectiles and abuse at the police and threatened to damage their vehicles. A further consideration was the possibility of damage to private and public property (which had happened at previous events), which had been highlighted in the Operational Order. In these circumstances it was not unreasonable for the police to clear the crowd from around the park. Once again it is considered that the action was justified by sections 260, 261 and 262 of the *Criminal Code*.

Many of the complainants overestimated the number of officers present from the PSRT. There were five, only four of whom wore protective gear. Members of the team acknowledged that they did hit the hands and wrists of people who grabbed their perspex shields, to make them release the shields. However, some complainants claimed to have seen the police using their batons more widely. In the melee as described by all, it is likely that the batons did come into contact with parts of the body other than the hands and wrists. However, because of the understandable lack of specificity of the allegations, it cannot be said whether or not such blows were accidental or a reasonable response to some form of attack by a member of the crowd. Similarly, it cannot be established that the use of the shields in any particular instance was unreasonable, excessive or unwarranted.

Another major concern expressed by some complainants was the conduct of the mounted police in riding amidst the crowd. Many complainants feared that the rearing of the horses, or the horses' hooves in a confined space, could have injured members of the crowd

The evidence shows that the police horses were patrolling the park before the crowd started throwing cans at the horses and upsetting them. Once the mounted police were among the crowd, some people began throwing cans at the horses, which caused at least one of them to rear and become a threat. Photographs produced to the CJC showed a wound to the neck of one of the

horses. The mounted police officers then remained amidst the crowd only so far as was necessary to protect the police officers on foot who were attempting to arrest individual crowd members. As soon as it was possible, the horses were put in behind the police line. The police version is to some extent supported by some complainants who believed that the riders did not incite the crowd but rather the horses acted as ‘beacons for trouble’.

Although there is little doubt that the horses’ hooves and legs did come close to hitting some people, there is no evidence that they did. Furthermore, the evidence from some police officers and security officers was that some people charged the flanks of the horses and slid through the mud into the horses’ legs. In these circumstances, those sliding in the mud at the horses’ legs or charging the horses would have been responsible for any injuries they received.

Critical to the conclusion that the police conduct was not excessive is the fact that of the many thousands of patrons at the park, only a handful complained of suffering any injury, the worst of which was a bloodied mouth and a loose tooth. Furthermore, the low overall number of complainants suggests that most function-goers did not consider the conduct excessive.

In summary, therefore, the CJC considers that, having regard to the fact that decisions had to be made in a volatile situation, the course of conduct taken by the police was neither excessive nor unreasonable. That is not to say the police response could not have been better. *See page 2 for recommendations for improving the manner of dealing with similar situations.*

ALLEGATION 2: MILITARY POLICE ASSISTED IN EJECTING PEOPLE FROM MUSGRAVE PARK

There is no doubt that five military police officers attended the park after 8.30 p.m. Three of these officers went to the park in a military police van, presumably on the request of Inspector O’Gorman. The other two were taken to the park in civilian police vehicles by civilian police. Inspector O’Gorman believed the presence of the military police at the incident was the best way of handling any soldiers who may have been at the function. There is no evidence to establish that there were any soldiers at the function.

With the exception of one or possibly two incidents, there is little evidence to suggest that military police took part in the arrest of anyone. There is no suggestion that the military police carried any weapons or other equipment. It would seem that they were behind the front line of police for most of the time that the crowd was being swept from the park.

There is little doubt that sections 260 and 261 of the *Criminal Code* authorised the intervention of the military police officers, to the extent that it apparently occurred, after they arrived at the park. On all accounts they acted reasonably in all the circumstances.

Whether they should have proceeded to the park in the first place is another question. The QPS Major Incident Guidelines stipulate the circumstances in which the assistance of military personnel can be sought by civilian police. It is the CJC’s view that the events at the park in the evening of 19 October 1996 did not come within any of the ‘Types of Defence Aid to Civil Community’ (DACC) set out in the guidelines. They are as follows:

Counter Disaster and Emergency Assistance

Category 1. Category 1 DACC is emergency assistance for a specific task(s) provided by a Local Commander/Administrator, from within his own resources, in localised emergency situations when *immediate* action is necessary to save human life, alleviate suffering, prevent extensive loss of animal life or prevent widespread loss/damage to property.

Category 2. Category 2 DACC is emergency assistance, beyond that provided under Category 1, in a more extensive or continuing disaster where action is necessary to save human life or alleviate suffering, prevent extensive loss of animal life or prevent loss/damage to property, and when State/Territory resources are inadequate.

Category 3. Category 3 DACC is assistance associated with a civil emergency or disaster recovery, which is not directly related to the saving of life or property.

Non-Emergency Assistance

Category 4. Category 4 DACC is non-emergency assistance provided to other Government departments or authorities, to the States or Territories, Local Government or other authorities or organisations, commercial enterprises, non-profit organisations, or individuals or bodies in the general community.

Category 5. Category 5 DACC is non-emergency assistance of a minor nature, excluding flying tasks, provided to local organisations and which is within the capacity of a Local Commander/Administrator's resources and authority.

Category 6. Category 6 DACC is support to civil authorities in the performance of non-emergency law enforcement related tasks where there is no likelihood that Defence personnel will be required to use force.

Although the CJC considers that the events did not fall within the guidelines, it is understandable that the military police who were in the civilian police vehicles were taken to the park and that Inspector O'Gorman sought the assistance of the military police van.

Urgent calls for assistance had been made, Sergeant Martin had sought more prison vans, and when police arrived at the scene they continued to call for further assistance. To any officer listening over the police radio it would have appeared as if an emergency existed, that there was no time for delay, and that all available resources were needed. In these circumstances, there is no basis to recommend any disciplinary action be taken against any civilian police officer for enlisting the assistance of the military police or taking them to the park.

This issue of having military police at the Market Day Function, and the role they played there, were the focus of an investigation by senior army officers. Their confidential report was given to the CJC under the authority of the Minister for Defence Industry, Science and Personnel. The contents of that report cannot be further published, but we are satisfied that the two issues were fully considered and the findings are in accordance with the CJC's conclusions.

ALLEGATION 3: MEMBERS OF THE QPS DISREGARDED EARLIER POLICING AND LIAISON ARRANGEMENTS MADE BETWEEN THE 4ZZZ MARKET DAY FUNCTION COMMITTEE AND THE QPS

One of the concerns expressed by 4ZZZ organisers related to the presence of the PSRT at the function. The three 4ZZZ representatives who attended the briefing at the West End police station on 2 September 1996 each expressed different beliefs as to what role had been arranged for the team. One, Terrance O'Connor, stated that Sergeant Vincent and Acting Sergeant Simpson had indicated that the team would not be called into the park unless there was a major incident requiring its assistance. On the other hand, function coordinator Peter Rohweder believed the team would probably turn up as part of their normal duties, as they had turned up late in the evening before. He did not believe that they would be stationed on site. The third 4ZZZ representative, Donna Williamson, believed that Sergeant Vincent, who chaired the meeting, had said that he would have the PSRT at the function around 8.00 p.m. All three confirmed that a low profile role was sought for the PSRT.

O'Connor held the belief that the PSRT would not be at the function unless they were required. This is evidenced by the fact that on the afternoon of the function at approximately 4.30 p.m. he approached Sergeants Simpson and McFaul to ask what the PSRT officers were doing at the function.

On the other hand, the police evidence, which is consistent with the Operational Order, suggests that the 4ZZZ representatives were told that the PSRT were to be on site during the function and would perform normal duties as required. These duties included them constantly moving around the park and its environs.

Whatever message had been intended to be conveyed to the 4ZZZ representatives, each of them believed that the PSRT officers would not attend as a matter of routine at 4.30 p.m., as happened.

It would seem that there was a communication problem. In light of the differing versions given by the 4ZZZ representatives of what they were told at the briefing of 2 September 1996, it could not be said that QPS officers intentionally misled them at the briefing.

4ZZZ director Brendan Greenhill believed that an agreement had been reached between 4ZZZ and the West End police that if any trouble arose at the function police would liaise with 4ZZZ staff before taking any action. This was, to a certain extent, correct in that both O'Connor and Simpson stated that wherever possible, liaison would take place between the two. However, they both understood that towards the end of the evening it probably would not be possible to continue this liaison. Furthermore, the agreement was not for the liaison to take place before any action was taken by the police officers, but after any action was taken.

This liaison occurred during the course of the day until the rain fell. After that time, it broke down completely. To some extent this can be explained by the chaotic situation and to some extent by the communications problem caused by the rain. It is probably true that if communications and liaison had been better, at least some of the trouble could have been averted. However, in light of the prevailing conditions, no criticism can be levelled at Simpson or McFaul, the Field Commanders, especially as other more senior police officers came to the park and took command of the situation.

As it transpired, it was Acting Inspector Hattwell who made the decision to clear the park. However, he did give the opportunity for members of the crowd to leave voluntarily between sweeps. On at least one occasion, O'Connor was allowed to address the patrons to request that they leave the park. Many appeared to do so. There is also evidence that other 4ZZZ representatives tried in vain to have the crowd leave the park.

The CJC considers that, in these circumstances, it cannot be established that any police officer intentionally breached any arrangements for liaison with 4ZZZ members.

ALLEGATION 4: 4ZZZ RADIO STATION HARASSED BY MEMBERS OF THE QPS

Details of this allegation were sketchy at best. Previous dealings with the PSRT at earlier functions were cited as one example of harassment. It was suggested that at the previous function PSRT officers walked around the crowd requesting people to open their bags and empty the contents on the ground. In accordance with the *Drugs Misuse Act 1986*, where a police officer reasonably suspects that a person has in their possession anything that may afford evidence of the commission of an offence under the Act — for example, the possession of dangerous drugs — he or she may detain and search that person or anything in the possession of that person. Because it is not possible to test whether in any particular instance the PSRT officers acted on reasonable grounds, no adverse conclusions can be drawn from this conduct, assuming that it occurred.

Brendan Greenhill also believed that PSRT officers harassed crowd members by their tactics in clearing the park at the end of the function on 19 October 1996. The investigation established that the orders to clear the park were not issued by any officer of the PSRT but by Hattwell.

Greenhill linked the presence of the military police at the function with a command post military exercise held at the Enoggera Barracks. Investigations established the reasons for the military police going to the park. As has been previously stated, the CJC considered that their attendance was understandable in the circumstances. It certainly could not be attributed to harassment.

Greenhill questioned how the mounted police unit could attend the function when it apparently took four hours for it to get ready. The police evidence is clear. The Operational Order provided for the mounted police unit to attend the function. They were scheduled to arrive at the time at which they did arrive, about 7.30 p.m. The officers from the mounted police unit were rostered from 5.00 p.m. to 1.00 a.m. to allow them time to pick up their mounts and prepare themselves for attendance at the function at the required time.

Greenhill also had his suspicions raised by PSRT officers having their protective equipment there. Officers of the PSRT carry their protective equipment in their vehicles at all times so that they are available to perform their specialised duties at short notice.

In conclusion, on all the evidence it cannot be established that the police have ever harassed patrons of 4ZZZ or the radio station itself.

ALLEGATION 5: SPECIFIC ALLEGATIONS OF ASSAULT

(i) Complainant A:

This complainant said that while he was being confronted by a dark-skinned officer he was struck in the face by an unidentified person or object. He was also unable to identify the dark-skinned officer or any other officer in the vicinity. As no-one else gave evidence of the incident, no adverse conclusion can be made against anyone.

(ii) Complainant B

Complaint B said that he was struck from behind with what he thought was a shield, but he was not certain. He said the force of the blow knocked him to the ground and he rolled between the legs of one of the police horses. He was not able to identify his assailant and no-one else described the incident, so no adverse conclusion can be made against anyone.

(iii) Complainant C:

A 4ZZZ employee and his female companion alleged that he was struck two or three times on the shoulders with batons and then a plain clothes police officer came from the crowd, grabbed him by the throat and punched him in the head. Neither of the people could identify any of the alleged assailants and no-one else was able to assist in identifying them. It is even possible that the person who grabbed the complainant by the throat and punched him was not a plain clothes officer but a civilian. In these circumstances, no adverse conclusion can be made against anyone.

(iv) Complainant D:

This complainant said that her hair was pulled by a police officer and that she was abused as she proceeded in the opposite direction to the flow of people being ushered away from the park. As she was unable to identify her alleged assailant, no adverse conclusion can be made against anyone.

ALLEGATION 6: OTHER ALLEGED POLICE MISCONDUCT

Failure to give identification:

Donna Anderson said that one police officer refused at first to give her his name, but eventually gave it as Monley. Constable Monley said that he did give her his name. He also says that he was wearing a name tag. In any event, Anderson was provided with a name which was Monley's correct name, so no adverse conclusion could be drawn against him.

In relation to other complainants who alleged that police officers refused to give their names, as they were unable to identify the officers in question, this matter could not be pursued any further.

Unavailability of police staff to receive complaints:

A volunteer worker from the Queensland Intravenous Aids Association claimed that because of the high number of police attending the function there were no police available to receive reports of crime. In view of the CJC's conclusions relating to the decision to call for police reinforcements, no adverse conclusion can be drawn against any person. It was reasonable for all available police resources to be directed to the park to assist.

Detention of arrestees in police vans for approximately two hours:

There is no doubt that some people under arrest were restrained in police vans for too long. This was recognised by the van coordinator, Sergeant Martin, and by Overall Field Commander McFaul. However, because of the unforeseen circumstances that led to a rapid increase in the number of arrests, no adverse conclusion can be drawn against any particular officer. *See Recommendation 3 in 'Further recommendations' on the next page.*

Recommendations

On 23 October 1996, a debrief was held at the Dutton Park police station. Representatives of the QPS, the Australian Army, CAP Security, the Brisbane City Council, the Liquor Licensing Division and the St John Ambulance were present. As a result of that meeting, the following recommendations were made by the Assistant Commissioner, Metropolitan South Region, to the Deputy Commissioner, Executive Director, Operations.

1. That the Police Service initiate service-wide the formation of a Safety Committee comprising all stakeholders in the planning of major events, including the Queensland Police Service, the Queensland Fire Service, the Queensland Ambulance Service, the Brisbane City Council, the Liquor Licensing Division, the Venue Owner and the Event Organisers involved and representatives of other organisations who have a licensing or controlling or support role.
2. That periodic joint exercises involving all stakeholders be initiated statewide to test the preparedness and tactics for crowd control and dispersal, disasters, fires, crowd crushes etc., and to examine potential problems and means to overcome them.
3. That operation orders be accompanied by Standard Operating Procedures or other relevant Plans formulated to manage major evacuations and emergencies and reference made to these plans in the body of the Operation Order prepared for the event.
4. That a commissioned officer be assigned specifically to oversee all future major events.
5. That further events of this nature be videoed by a trained Police Photographer.
6. That, in future events of this nature, the Liquor Licensing Division be requested to restrict the sale of liquor to plastic cups, and a designated drinking area surrounding the bar be a condition for the granting of a Liquor Permit.
7. That future Operation Orders contain details of a marshalling area for police and those assisting them to group or to retreat to in the event of potentially dangerous or volatile situations.
8. That Operation Orders contain an order that in volatile situations Private Security personnel and other non-sworn personnel fall back behind police lines.
9. That all police change to the main operational channel from the designated event channel in situations where calls go out over VKR for assistance from any unit.
10. That it be standard procedure for the PSRT and the Mounted Police to be deployed in all future major events necessitating crowd-control techniques.
11. That a secure area be provided to hold knives and other weapons taken from patrons entering major events.
12. That copies of Operational Orders be sent (by e-mail) to the Regional District Officers in Metro North and Metro South Regions, particularly when unlawful and antisocial conduct is likely, well before the event commences.

The Deputy Commissioner sent these recommendations to the Chief Superintendent of the Metropolitan North Region in which the next 4ZZZ Market Day Function was held on 18 October 1997. The region had already instituted similar policies.

Further recommendations

The CJC considers that these recommendations should be adopted throughout the QPS wherever practicable in relation to similar events, and we make the following further recommendations:

1. That the event organiser be asked to nominate a liaison officer with whom the commissioned officer in charge or his/her nominee is able to liaise at all times during the event. This will require adequate communication to cater for unforeseen events such as a torrential downpour.
2. That all plans formulated to manage major evacuations and emergencies nominate sufficient exits to allow for the rapid, safe and peaceful egress of patrons from the venue.
3. That sufficient police personnel be available to ensure that persons arrested at such functions are not detained for extended periods in unsuitable conditions. In this regard, consideration be given to ensuring that persons arrested are taken directly to the watchhouse rather than to a police station for processing.
4. That megaphones or similar equipment be available to allow patrons to be told properly and fully should it become necessary to evacuate a venue.
5. That, wherever possible, a memorandum of understanding be entered into between the Queensland Police Service and the function organisers. Such a document should spell out the responsibilities of the event organisers and the role to be played by police.

The CJC has been advised that such a memorandum of understanding was prepared by the Metropolitan North Region for the 4ZZZ Market Day Function held at Albert Park on 18 October 1997. It is understood that the number of arrests was only 10 and that the organisers of the function expressed appreciation for the manner in which police officers conducted themselves. A copy of the memorandum of understanding is attached as appendix C.