

XXXXXX
XXXXXXXXXXXXXXXXXX

8 October 2005

XXXXXXXXXXXXXX
Picture Editor
The Sunday Mail
Campbell Street
BOWEN HILLS QLD 4006

Dear XXXXX

Enclosed is my file note regarding the incident with police on Tuesday, 27 September 2005.

I would like a formal complaint to be made by Queensland Newspapers to the Queensland Police.

Please note:

- I was detained for approximately 35 minutes.
- The questioning took place at the bus shelter in Roma Street.
- There were no witnesses other than Police Constables XXXXXXXXXXXX and XXXXXXXXXXXX. There were people around the bus shelter but they kept their distance and eventually left the area.
- Police Communications hold logged files and other information relevant to time and place, etc.

The protocol for making a complaint to the Queensland Police Service, in the first instance, is to forward the complaint to the Officer-in-Charge, City Police Station, 46 Charlotte Street, Brisbane, 4000. I understand that there are three officers who act in the role of Officer-in-Charge.

I would also suggest that copies be sent to:

- the Crime and Misconduct Commission;
- Mr Leon Beddington, Police Media; and
- Mr Bob Atkinson, Commissioner for Police.

I will be forwarding a copy to the Media Entertainment and Arts Alliance State Secretary, Mr David Waters, for his attention.

This type of incident is becoming more prevalent, has the potential to become problematic for photographers in the field and is especially worrisome in light of the upgraded police powers and anti-terrorism laws.

I would appreciate being informed of any action taken by Queensland Newspapers and any formal response or feedback from the Queensland Police Service.

Please advise if I can be of any further assistance.

Yours faithfully

XXXXXXXXXXXXXXXXXX

Encl.

**FILE NOTE
27 SEPTEMBER 2005**

RE: INTIMIDATION AND UNNECESSARY AND EXCESSIVE POLICE INTERVENTION OF A MEMBER OF THE MEDIA WHO IS LAWFULLY PERFORMING THEIR WORK DUTIES

**QUEENSLAND POLICE OFFICERS:
XXXXXXXXXXXXXXXXXXXXXXXXXXXX; AND
XXXXXXXXXXXXXXXXXXXXXXXXXXXX**

I am a press photographer employed full-time by The Sunday Mail, Queensland Newspapers. I am XX years of age, of Anglo-Saxon descent, and am always appropriately dressed for the various tasks I perform in my role.

On Tuesday, 27 September 2005, I was directed by XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX to go to police headquarters between 3.20pm and 4.00pm to photograph police jay walking from the front main entrance of the building across Roma Street.

At approximately 3.28pm, I took my first photograph of a police officer walking from police headquarters directly across the road from the footpath outside the Transit Centre in Roma Street. At approximately 3.31pm, I took photographs of a second police officer, who appeared to be an inspector, crossing the road. This photograph was taken from a public access motor vehicle parking area. The police officer saw me and approached me to question what I was doing. I responded politely, offered my full name, advised that I worked for The Sunday Mail (long pause) and was photographing him jay walking. He responded (indistinct) 30 metres, asked me for my name again and warned that I should be very, very careful about publishing such photographs.

At that point, I called my Picture Editor and the Chief-of-Staff, who were both unavailable, for clarification on law and for further direction. I spoke to a colleague who sometimes acts as Picture Editor and was advised to stay and see what else I could get. The colleague did not clarify the law in relation to the work I was doing.

At approximately 3.34pm I moved to the stairwell landing at the western door access of the Roma Street footpath to the Transit Centre where I was challenged by a cleaner stating that I should not be there taking photographs and claimed that area to be private property. With my camera over my shoulder, I stated that it was a public place and public thoroughfare. The cleaner threatened to call security and police, to which I responded that he should ring security so that we could sort out the matter. I then moved approximately two metres down the stairs to the footpath, stating to the cleaner that I was certain that the area was not private property. Security arrived immediately. I made it clear who I was, who I worked for, what I was doing and explained that I was not photographing any internal areas which would have required correct protocol. The issue was resolved very quickly with security and I was invited back onto the premises if I wished. I declined and moved west along the footpath, sitting in the bus shelter directly across the road from police headquarters.

A few minutes passed when police officer Constable XXXXXXXXXXXX arrived and questioned me as to what I was doing. I immediately offered my name, who I worked for and specific details on what I was doing. Constable XXXXXXXX requested proof of my identity, which I gave immediately, i.e. my Queensland Newspapers security card with photographic identification. I advised Constable XXXXXXXX that I had just photographed who I understood to be an inspector jay walking. I suggested to her that that was probably where the call originated from.

Constable XXXXXXXX was then joined by her colleague, Constable XXXXXXXXXXXX. Constable XXXXXXXX stated that she did not know where the call had come from, only that a call had been made to the police.

Throughout the exercise, I was clearly not posing a threat, nor was my behaviour and demeanour threatening to anyone. I ensured that I operated within the law at all times. I carried no bag of any description when performing this task; only a camera with a telephoto zoom lens, my Queensland Newspapers security card, wallet and work locker keys. I was in a public place when I performed my duty.

A phone call by the police officers to Queensland Newspapers would have quickly verified that I was indeed bona fide media staff. However, I am not aware that a call to my place of employment was made by the police officers for verification of my employment. I believe, at this stage, that Constables XXXXXXXX and XXXXXXXX chose, or were directed, to further scrutinise and interrogate me.

Constable XXXXXXXX then offered the remark that somebody back at the newspaper had been booked for jay walking so that was why I had been sent up here. Constable XXXXXXXX stated this twice during her questioning. I expressed an opinion that this was actually not the case and it was more likely that a member of the public had emailed Queensland Newspapers with the lead.

Like most members of the public, I am not fully conversant with the law regarding jay walking. I asked Constable XXXXXXXX how jay walking in the city differed to the scenario in Roma Street. Both officers gave me a brief definition of the law, i.e. that it was legal to cross the road 20 metres from a pedestrian crossing, providing the road was crossed in a straight line.

At this time, Constable XXXXXXXX requested my driver's licence and I immediately gave it to her. Address details for both my main residence and my temporary residence were provided to Constable XXXXXXXX, without explanation. Constable XXXXXXXX then requested my private telephone number and I provided her with telephone numbers for both my main residence and my temporary residence. Constable XXXXXXXX asked for my place of birth, which I provided to her without question. Constable XXXXXXXX then requested my manager's name and telephone number. I provided the telephone numbers of XXXXXXXXXXXXXXXXXXXX at The Sunday Mail.

At this stage, it was obvious that I was being "processed" and Constable XXXXXXXX commented that it was going up, which I took to mean that the matter would be escalated within the Queensland Police Service. Constable XXXXXXXX then proceeded to communicate (at intervals) with other Queensland Police Service personnel on the police radio.

Verbal exchanges ensued for some time, with both officers discussing with me the moral justification and validity of what I was doing. Both officers questioned my actions and the actions of my supervisors for not checking the law regarding pedestrian crossings and roadways before taking photographs of Queensland Police Service officers crossing the road.

I did my best to explain, at length, the variables and intricacies of the working processes at Queensland Newspapers, hopefully to give the officers some understanding. Again, it was mentioned to me that somebody at Queensland Newspapers had been booked for jay walking so that was why I was sent out on the task.

Constable XXXXXXXXX stated that police were always being called out to threatening incidents. She cited one situation where a shoebox was left in the mall and it turned out to be full of mail addressed to the police. It was commented to me that the police were very "aware" at the moment.

Constable XXXXXXXXX stated, in a concerned tone, that there are some very important people who work in there (pointing to police headquarters) and said that, with that big lens you could photograph people through the window (from across the road at Roma Street) working.

Constable XXXXXXXXX commented that police have more powers than the public and cited the instance where police talking on their mobile phones whilst driving generated complaints from the public.

The exchanges I had with both officers left me with the feeling that I was encroaching on their territory by photographing Queensland Police Service officers and Roma Street police headquarters without referral to police media as stated by Constable XXXXXXXXX.

I was again warned by Constable XXXXXXXXX about publishing the photographs.

Constable XXXXXXXXX then advised that she was satisfied that no law had been broken.

Constables XXXXXXXXX and XXXXXXXXX and I walked east approximately 100 metres to their police motor vehicle, chatting. From there I walked a further 20 metres to the Holiday Inn at the eastern end of the Transit Centre in Roma Street. The time was 4.20pm. I called a taxi to return to work.

I would like to express my concern about this incident.

The processing by Constables XXXXXXXXX and XXXXXXXXX was, in my opinion, intimidating, unnecessary, time-consuming, a waste of resources and embarrassing. Rather than just giving my name and date of birth and/or current address, I engaged the officers and expanded on the information they had requested in order to quickly clarify and defuse the situation. I am very understanding and am sympathetic to the job police have to do. I wonder how I could have been perceived to be a person who required in-depth scrutiny by police officers.

It must have been very obvious early on in questioning that I was operating lawfully, even though I had been ill-informed of the law regarding jay walking, irrespective of

the perceived implications or assumptions the officers may have had. Proper assessments should be made by police officers, not skewed by personal beliefs, judgments and bias. This, I believe, played a part and prompted excessive intervention by Constables XXXXXXXX and XXXXXXXX.

The tactic of police legitimising the obstruction and over-processing of law-abiding citizens and bona fide media personnel is counter-productive to policing aims. This unacceptable behaviour cannot be further legitimised by the claim by police that they are just doing their job. With the introduction of new police powers and anti-terrorism laws, these unnecessary actions by police are of great concern to me.

The retention of "processing information", incident history and file notes by the Queensland Police Service which was collected by Constables XXXXXXXX and XXXXXXXX and which were logged and recorded on the QPS database is also of great concern given that I have not committed an offence. I wonder if this collected information will add weight or bias in any further or future questioning or enquiries by police officers.

In my XX years as a professional working photographer, I have never had to deal with such an act of unwarranted police intervention.

I understand that two telephone calls were made by The Sunday Mail Picture Editor, Earle Bridger, to Leon Beddington's office at Police Media, to voice concern about the handling of this matter by police officers. Two messages were left for Mr Beddington. The calls and messages have not been returned.

Intelligence files (dossiers) on individuals should remain an ugly remnant of the pre-Fitzgerald Inquiry.

XXXXXXXXXXXXXXXXXX

27 September 2005