



CRIMINAL JUSTICE  
COMMISSION

**REPORT  
ON AN INQUIRY  
INTO ALLEGATIONS  
OF POLICE  
MISCONDUCT  
AT INALA  
IN NOVEMBER 1990**

NOVEMBER 1991

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Dear Sirs

In accordance with Section 2.18 of the Criminal Justice Act 1989, the Commission hereby furnishes to each of you its Report into the investigation of complaints against members of the Queensland Police Service arising out of an incident at the Wandarrah Aboriginal Pre-School Community Centre, Inala and subsequent events.

Yours faithfully

**SIR MAX BINGHAM QC**  
Chairman



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## EXECUTIVE SUMMARY

A licensed function was held on Friday 2 November 1990 at the Wandarrah Aboriginal Pre-School Community Centre at Azalea Street, Inala. Although the function was "open" and a small number of white people attended, most of the patrons were of Aboriginal, Torres Strait Islander or Maori descent and included women and children. It is estimated that up to 200 people attended.

Minor disturbances occurred throughout the course of the evening which were controlled by committee members and security staff. At around midnight it appeared that there was an adverse reaction by certain sections of the crowd upon liquor ceasing to be sold. Some of the patrons had consumed considerable quantities of alcohol.

By the time the first police arrived on the scene most of the patrons were outside the Centre and many were on the street. A violent confrontation subsequently took place between police and Aborigines. A total of twenty (20) people were arrested and placed in the Inala Watchhouse. Of those arrested, six (6) alleged that they were assaulted by police during the riot and five (5) complained of maltreatment by police in the watchhouse. A further five (5) people who were not arrested made complaints regarding the actions of police on the night.

There was a further disturbance on Sunday 4 November 1990 outside the skating rink at Inala, as a consequence of which three (3) Aboriginal persons were arrested and detained in the Inala Watchhouse. Of these, two (2) subsequently complained to the Commission of police maltreatment.

The matters were investigated by the Commission following the receipt of information from the Commissioner of the Queensland Police Service concerning complaints about various police actions at Inala and complaints made by representatives of the Aboriginal Community who attended the offices of the Commission on 7 November, 1990.

### **The Jurisdiction of the Criminal Justice Commission**

The Criminal Justice Commission is empowered under the Criminal Justice Act to investigate allegations of, inter alia, all cases of alleged or suspected misconduct by members of the Police Service that come to its notice from any source, including information from an anonymous source.

## **The Conduct of the Investigation**

Following the initial meeting with members of Inala's Aboriginal community at the Commission's office in November 1990, the majority of interviews with Aboriginal persons were not conducted at Commission premises or other Government offices to minimise the potential for intimidation of the witnesses. The Commission found that this approach, although time consuming, reduced the risk of witnesses being inhibited by their physical surroundings. A total of 125 witnesses were interviewed in the course of the investigation. All interviews were conducted by Commission officers and recorded by means of either audio tape or audio video tape.

The investigation proved more difficult as time progressed due to the reluctance on the part of many members of the Aboriginal community to co-operate with the Commission. Upon initial assessment of the evidence gathered, serious problems became apparent, for example, the effect of extreme alcohol consumption upon the ability of witnesses to recollect events. Conflicts between Aboriginal witnesses as to significant issues such as the identification of alleged assailants also emerged. Further problems surfaced when witnesses were re-interviewed in connection with the more serious allegations, and provided different versions of events on each separate interview.

## **The Police Perspective**

Two uniformed Constables were the first to arrive on the scene following the complaints received. Approximately 150 persons were observed on the footpath, road and park opposite the Wandarrah Centre and several fights were in progress. Certain sections of the crowd were unruly and appeared to be adversely affected by alcohol. Bottles were being broken and abuse was directed at the police officers. The officers moved amongst the crowd urging people to return to the Centre or to move on. They did not directly intervene in any of the altercations that were in progress, instead requesting other members of the Aboriginal community to intercede to break up the fights. This tactic appeared to be successful initially.

As further officers arrived the crowd became more vocal. One person, Stephen Coghill, emerged from the crowd and struck one of the police officers in the chest. The officer attempted, in company with another officer, to arrest Coghill who dropped to the ground, apparently deliberately, taking the two officers with him. At this point the crowd converged and commenced to kick and punch the officers. Other police present moved in to assist and attempted to form a defensive semi-circle. These officers found themselves attacked as well. Two of the officers had drawn their batons and used them to fend off attackers.

Some six to eight officers were present at this point. It is unclear precisely how many Aborigines were involved in the physical confrontation with the officers. In any event, the police were seriously outnumbered and the senior officer present, a Senior Constable, ordered a retreat. In response, the crowd fanned out across the road and advanced on the police in a straight line, hurling bottles, sticks and rocks. Branches were torn off trees and two police vehicles were set upon and damaged.

In the midst of the melee one of the officers managed to make an urgent call for assistance and additional police began to arrive in response to that call. A police inspector from the Mt Gravatt station arrived and in the company of a member of the Aboriginal community approached the crowd and attempted mediation. This was not successful. The Inspector then ordered the police, who by then numbered approximately 30, to disperse the crowd. Some Aborigines ran off with the police approach, others stood their ground. It appears the police targeted those whom they had previously observed committing offences, such as wilful damage to the police cars and assaults on police during the confrontation involving Coghill. Others arrested members of the group for obscene language and on drunk and disorderly conduct charges.

All police concerned insist that no excessive force was employed, either in the dispersal of the crowd or in effecting arrests. Those who admitted to using batons stated that they were used strictly in accordance with police procedure taught to them at the Academy. Seven police officers were injured and their injuries ranged from cuts and scratches through to a black eye and a suspected broken jaw.

### **The Aboriginal Perspective**

The accounts received from Aboriginal witnesses were generally consistent with those of the police up until the incident involving Coghill. Thereafter wide disparities occur, not only as against the police evidence but also as between Aboriginal witnesses themselves. The complaints appear to centre around the use of batons. Allegations were received from several Aboriginal witnesses that excessive force was used in the dispersal of the crowd and that the indiscriminate use of batons resulted in Aboriginal children being injured. Allegations that excessive force was also used by police in the arrest of Aboriginal people were also made. In essence, Aboriginal witnesses alleged that police used obscene language and that the initial "over-reaction" by the police officers to the incident with Coghill provoked the crowd and that the subsequent behaviour of the police only served to escalate the situation. Medical evidence confirmed that an eleven (11) year old child sustained a minor injury to the back, whilst an adult male complainant produced evidence of bruising to his back. There was no other medical evidence of injuries.

## **Evidence of Other Witnesses**

Residents in the area state that the police behaved with moderation and considerable restraint. No witness observed police using excessive force at any stage on the night and all observed the crowd to be unruly and abusive. These witnesses confirmed that obscenities in the terms alleged by the police were being used by Aborigines and that the crowd was hurling bottles, bricks and other objects at the police in addition to tearing branches off trees. Two ambulance officers called to the scene also confirmed the police account of the proceedings.

## **Complaints Received**

The complaints received in connection with the Wandarrah Centre incident ranged from police swearing at Aboriginal people to police gratuitously striking Aboriginal people with batons. It appears that no Aboriginal complainant suffered any serious injuries; indeed very little medical evidence was provided in support of the allegations. In other instances it appeared on the evidence that the level of force used by the police was not excessive. Other complaints could not be substantiated due to conflicts in the identification evidence provided or the absence of identification evidence. In most instances the Commission was not able to find sufficient evidence to support the allegations.

The complaints regarding subsequent events in the watchhouse were in similar terms and ranged from police swearing at Aboriginal prisoners to allegations of assault. Most claims were not supported by medical evidence. The police involved all denied that any unnecessary force was used at the watchhouse with regard to the prisoners. Similar conflicts in terms of identification evidence and other evidence emerged as between the prisoners, for example two (2) who allege an assault occurred give conflicting evidence as to the particulars of the assault, or where two (2) give a consistent version of events regarding the assault, they are unable to agree on the identity of the assailant.

Serious allegations of assault, including an allegation that an Aboriginal prisoner was assaulted by a police officer who was wearing a balaclava, were made following the arrests at the skating rink on 4 November, 1990. Similar problems, however, emerged in connection with the evidence obtained in relation to these allegations and hampered the Commission in its search for the truth.

There is little doubt that as a general proposition the witnesses involved were grossly affected by alcohol and as a consequence were not in a position at a later stage to recollect events with any clarity. This was further complicated by the witnesses themselves who provided different versions of events on each occasion they were interviewed. Despite serious allegations of assault in the watchhouse, medical evidence of only two minor injuries which may have been consistent with

the complaints, was produced. Due to the conflicts in the evidence obtained the Commission was not able to substantiate the allegations.

## **Observations**

Allegations of assaults by police are cause for grave concern. In regard to the present inquiry, the Commission is of the view that it is possible that a number of people may have been the subject of unlawful assaults by police although no charges can be laid due to the gross inconsistencies and inadequacies in the evidence of witnesses on vital issues. The standards of proof for criminal proceedings or disciplinary proceedings, namely proof beyond reasonable doubt or on the balance of probabilities simply could not be met. In making its findings the Commission is not to be taken as certifying that the allegations were necessarily untrue and that the police version was accepted without question. There is evidence that assaults did occur; it is simply not possible to ascertain on the available evidence whether these assaults were lawful under the circumstances, or, if unlawful, who was responsible.

It would appear on the evidence that no Aboriginal person suffered any serious injury and that the general level of force used by police to make arrests was not unreasonable. There is no independent evidence of the use of excessive force, although there is independent evidence that some persons actively resisted arrest. The Commission acknowledges the extreme stresses of the situation which confronted the junior officers upon their arrival at the scene and accepts that they were subjected to attack whilst seriously outnumbered by members of the crowd. Injuries sustained by police officers were, on the whole, more serious than those suffered by members of the Aboriginal community.

## **Towards a Lasting Truce – The Vexed Question of Police/Aboriginal Relations**

The Commission is of the view that any meaningful and positive change in police/Aboriginal relations can only be brought about once an appreciation of the following factors has been reached by both groups:

- An understanding by police officers of the cause of the resentment Aborigines feel towards police;
- An understanding by police officers of the distinct problems experienced by urban Aborigines;
- An understanding by urban Aborigines of the problems that their lifestyles and behaviour produce for effective policing in the community; and

- The creation and monitoring of open and trusted channels of communication between urban Aborigines and police.

It must be accepted that this was a racial incident in so far as most of the people who attended the dance were Aborigines and all of the police officers involved were Caucasian. Hostility towards police is widely shared amongst Aboriginal communities throughout Australia, the legacy of a sorry history of conflicts between Aboriginal people and whites. Unresolved areas of conflict make a harmonious relationship between Aborigines and police difficult to achieve and great harm is done by the tendency on the part of both groups to negatively stereotype each other as a consequence both of historical turmoil and of present antagonisms. The problems can only begin to be addressed through education and the opening of effective channels of communication.

### **Proactive Community Policing Initiatives - Inala**

The Queensland Police Service has a commitment to community policing and asked for the assistance of the Criminal Justice Commission in the development of a proactive community policing initiative for the Inala area in the recognition that should the present tensions between police and Aborigines be allowed to proceed unchecked, the Inala area will become a "no go" area for police and others, similar to Redfern in New South Wales. This research program is currently under way. In broad terms, the desired outcome of the research project and the implementation of any strategy for multi-cultural policing in Queensland would be to ameliorate the racial tensions within Inala and reduce the crime rate generally.

This report also deals with recent initiatives in police training in Queensland, specifically with respect to race relations, mediation and crowd control training.

### **Recommendations**

The Commission recommends that:

- The Aboriginal and Torres Strait Islander and Ethnic Liaison Section of the Queensland Police Service be increased in size. Its staff should be trained to deal with and give advice regarding incidents such as that which occurred outside the Wandarrah Centre, in addition to liaison work with specific minority groups.
- A network of trusted representatives of various indigenous and ethnic communities should be established so that these representatives could be called upon where necessary to assist in defusing potentially dangerous situations involving police and minority groups.

- Junior officers should be instructed not to become actively involved in incidents such as that which occurred outside the Wandarra Centre unless and until an Inspector is in attendance and directing the operation, except where immediate intervention is necessary to prevent serious injury/other serious crime.
- A protocol or agreement should be reached between the Aboriginal community and police regarding the conduct of future functions in the Inala area.
- Continuing regular liaison between police and the Aboriginal community should be promoted.
- All Queensland police should receive appropriate training to ensure that they have a working understanding and appreciation of Aboriginal issues and the ability to relate in a positive way to Aboriginal people.
- All Queensland police should receive appropriate training in mediation and crowd control.
- Procedures should be put in place to ensure that where a large number of persons are arrested in the Inala area, they should be conveyed, where possible, to the City or Holland Park watchhouses, so as to ensure that the prisoners can be adequately controlled and supervised.

In making its Report the Commission would wish to emphasise that its recommendations are designed as a platform for change and are intended to foster and enhance, and not to limit, the consultation process between police and Aborigines in Queensland that is already underway.





## CHAPTER 1

### INTRODUCTION

On Friday 2 November 1990 a licensed function took place at the Wandarrah Aboriginal Pre-School Community Centre at Inala. The purpose of the function was to raise funds for the Centre. Approximately 150 - 200 persons attended the function. The persons who attended were predominantly, although not solely, Aborigines and included women and children.

A large number of those who attended the Wandarrah Centre on the night in question had consumed a considerable quantity of alcohol. Some altercations amongst patrons erupted just prior to and at the conclusion of the function.

At around 12.30am (3 November 1990) police were called by both the function organiser, Lorna Tyson, and neighbours concerning the disturbance. At the time the police first arrived on the scene, most of the patrons were outside the Centre and many were on the street. A confrontation which lasted about 30 minutes subsequently took place between police and Aborigines. Complaints were later received that ten (10) persons were assaulted by police during the confrontation.

A total of 20 people were arrested and placed in the Inala Watchhouse. All were Aboriginal. Of those arrested, five (5) complained that they were maltreated by police at the watchhouse.

On Sunday 4 November 1990, following a disturbance at a skating rink at Inala, three Aboriginal persons were arrested and detained in the Inala watchhouse. Further complaints of assault were received, including a complaint that an Aboriginal person detained in the watchhouse had been assaulted by police officers wearing balaclavas.

The matters were investigated by the Criminal Justice Commission following its receipt of information from the Commissioner of the Queensland Police Service concerning complaints about various police actions at Inala, including events at the Wandarrah Centre on 3 November 1990 and complaints made by representatives of the Aboriginal community who attended the offices of the Commission on 7 November 1990.

## CHAPTER 2

### GENERAL BACKGROUND

#### Location

The Wandarrah Centre is situated on the corner of Azalea and Poinciana Streets, Inala. The premises encompasses a pre-school, community hall and medical service and is used predominantly by the Aboriginal community of Inala. The Centre is comprised of a low set "L" shaped brick building with a concreted car park facing Azalea Street and playground facing the Azalea and Poinciana Streets corner.

The main pedestrian and vehicular access to the centre is from Azalea Street, although there is also a driveway leading from Poinciana Street. The property boundaries are delineated by a wooden and wire fence.<sup>1</sup>

#### The Function

The function on 2 November 1990 was organised by the pre-school committee presided over by Mrs Lorna Tyson. Similar functions had been held previously at the Centre. Although the function was "open" and a small number of white people attended, most of the patrons were of Aboriginal, Torres Strait Islander or Maori descent.

Admission fees of \$5.00 for adults, \$3.00 for high school children and \$2.00 for younger children were charged. Four (4) private security officers were hired to assist the committee and operated under the direction of committee members on the night. Liquor was sold at the function, a Ball Permit having been obtained previously by the committee.<sup>2</sup> Some of the patrons, however, stated that they brought their own liquor to the function. Mrs Tyson said that she sent letters to the Oxley Criminal Investigation Branch and the Inala Police advising them of the function, although no replies to the letters were received.

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<sup>1</sup> A scale plan of the area appears at Appendix A

<sup>2</sup> See Appendix B

The function started at about 7.30pm and took place in the pre-school area of the Centre. Some minor disturbances occurred on the premises but they appear to have been controlled by committee members and security staff. It was suggested that there was an adverse reaction by certain sections of the crowd upon liquor ceasing to be sold at around midnight. Mrs Tyson telephoned the police at approximately 12.30 to 12.40am as she felt police assistance could ensure the smooth departure of some of the patrons.

At around this time one of the security officers, John Patrick Brady, spoke to two youths who wanted to have a fight and sent them to fight at the oval across the road. Brady and some of the other patrons went to watch the fight, which occurred at about 12.30am. Shortly thereafter, the first police officers arrived and at that time it appears that there were a number of patrons on the footpath in Azalea Street, on the roadway and on the oval, in addition to those people still within the Centre's perimeters and in the building. Considerable noise was being generated.

## **CHAPTER 3**

### **ALLEGATIONS**

A total of 25 allegations of police misconduct have been investigated in connection with this matter. The complaints are summarised below. The Commission is aware that other statements have been made to the effect that unidentified Aboriginal persons had been assaulted by unidentified police, however in the absence of further evidence it was not possible to take these non-specific allegations further.

#### **Events at the Wandarrah Centre on 3 November 1990**

- (i) Lorna Tyson complained that the police response and subsequent confrontation between police and Aborigines had been a "set up" instigated by police in response to the theft of a police firearm at the Richlands Tavern about a month earlier. (This incident was the subject of a separate investigation).
- (ii) Darren Michael Costello stated that he was struck on the legs by a police officer on the football field opposite the Wandarrah Centre.
- (iii) Stephen Charles Coghill stated that he was attacked by police and hit with a baton outside the Community Centre. He did not wish to make a formal complaint.
- (iv) Cyril Clevens stated that he was abused and sworn at by a police officer outside the Wandarrah Centre. This officer also struck him on the elbow with a baton.
- (v) Cyril Clevens also stated that he was struck by police with batons whilst attempting to assist a man (probably Coghill) being assaulted by police outside the Community Centre.
- (vi) A juvenile aged 16 years, AB, complained that he was struck on the arm and back with a baton by Constable Pemberton outside the Wandarrah Centre.

- (vii) Tyrone John Boyd lodged a complaint regarding the circumstances of his arrest at the Wandarrah Centre. He alleged that when arrested he had been struck on the chest with a baton by a police officer.
- (viii) A male juvenile aged 14 years, GH, complained that during the melee between police and Aborigines at the Wandarrah Centre, he had a baton shoved into his stomach by a police officer and was kicked in the leg by a police officer.
- (ix) A female child aged 11 years, EF, complained that she was struck across the back with a baton by a police officer whilst outside the Wandarrah Centre.
- (x) Robert Bruce Swan complained that during the disturbance outside the Wandarrah Centre he was struck on the head and back with a baton by a police officer.
- (xi) Rodney Rex Currie stated that at the time of his arrest at the Wandarrah Centre he was dragged over a fence and struck on the back with a baton by a police officer.
- (xii) Norman Arthur MacDonald complained that whilst outside the Wandarrah Centre he was struck on the back with a baton by a police officer.

#### **Events at the Inala watchhouse following arrests at the Wandarrah Centre**

- (i) Tyrone John Boyd complained that he had been kicked and punched by police as he was taken from the police van on the morning of 3 November 1990.
- (ii) Tyrone John Boyd said he was abused by police upon arrival at the Inala watchhouse on the morning of 3 November 1990.
- (iii) Tyrone John Boyd complained that whilst he was in custody (possibly on Sunday 4 November 1990) he was punched, kicked and kneed by three police officers.
- (iv) Tyrone John Boyd complained that he was punched in the stomach by a police officer on Tuesday 6 November 1990.

- (v) Robert Bruce Swan also complained that upon being arrested and taken to the Inala watchhouse on the morning of 3 November 1990, he was punched in the face several times by a police officer.
- (vi) Robert Bruce Swan complained that a police officer had called him a "black cunt" and offered to fight him whilst he was at the watchhouse on the morning of 3 November 1990.
- (vii) Charles Christopher Saunders stated that he had been punched by Constable Pemberton outside the Inala watchhouse on 3 November 1990, however he did not wish to make any formal complaint.
- (viii) CD, a male juvenile aged 16 years, complained that he was assaulted at the Inala watchhouse counter on the morning of 3 November 1990 by a police officer. He was struck to the head and ribs. He also complained of being punched in the face by an officer at the door of the watchhouse.
- (ix) Matthew David Solomon complained that after having been arrested at the Wandarrah Centre on 3 November he was taken to the Inala watchhouse where a police officer assaulted him by slamming his head into the counter. He did not wish to make a formal complaint.

**Events at the Inala watchhouse following arrests at the Inala Skating Rink on 4 November 1990**

- (i) AB complained that he was assaulted by Constable Angus whilst in his cell at the Inala watchhouse on the evening of 4 November 1990. He stated that he was punched in the jaw.
- (ii) Robin Glendon Conlon complained that following his arrest he was assaulted by Constable Angus whilst being taken from the police car to the Inala watchhouse on the evening of 4 November 1990.
- (iii) Robin Glendon Conlon complained that he was assaulted by Constable Angus at the Inala watchhouse counter on the evening of 4 November.
- (iv) Robin Glendon Conlon also complained of being assaulted by two police officers wearing balaclavas on the evening of 4 November or early on the morning of 5 November 1990.

## CHAPTER 4

### THE JURISDICTION OF THE CRIMINAL JUSTICE COMMISSION

Under the Criminal Justice Act 1989, the Criminal Justice Commission is empowered to investigate allegations of corruption and official misconduct by public officials and others who, by their conduct, adversely effect or could adversely effect the honest and impartial discharge of duties by public officials.

The Act provides that it is the function of the Official Misconduct Division of the Commission to investigate, inter alia, all cases of alleged or suspected misconduct by members of the police force that come to its notice from any source, including information from an anonymous source.<sup>3</sup>

Further, it is also the responsibility of the Commission to monitor the performance of the police force with a view to ensuring that the most appropriate policing methods are being used, consistently with trends in the nature and incidence of crime, and to provide to the Commissioner of Police policy directives based on the Commission's research, investigation and analysis.<sup>4</sup> Such directives may cover law enforcement priorities, education and training of police, revision of police operation method and the optimum use of law enforcement resources.

Section 2.23(1) of the Act defines the general nature of Official Misconduct. It provides, inter alia, that official misconduct is -

- (a) Conduct of a person, whether or not he holds an appointment in a unit of public administration, that adversely effects or could adversely effect, directly or indirectly, the honest and impartial discharge of functions or exercise of powers or authority of a unit of public administration or any person holding an appointment therein;
- (b) Conduct of a person while he holds or held an appointment in a unit of public administration that involves the discharge of his functions or exercise of his powers or authority in a manner that is dishonest or not impartial;

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<sup>3</sup> Criminal Justice Act, Section 2.20(2)(e)(i)

<sup>4</sup> Criminal Justice Act, Section 2.15(g),(h)

and in any such case, constitutes or could constitute a criminal offence or disciplinary breach that provides reasonable grounds for termination of the person's services in the unit of public administration.

Under the Police Service Administration Act 1990, misconduct is defined as:-

- (a) Any disgraceful, improper or other conduct unbecoming an officer or that shows unfitness to be or continue as an officer;
- (b) Conduct that does not meet the standard of conduct reasonably expected by the community of a police officer.<sup>5</sup>

For the purposes of this investigation, the Commission determined that it had jurisdiction to investigate allegations of unlawful assault, arrest and abuse of Aboriginal members of the community by police officers. If proven, such conduct would clearly constitute misconduct for the purposes of the Commission.

In considering issues in relation to possible disciplinary charges of official misconduct or other charges, the Commission must make determinations at the conclusion of its investigations, subject to the appropriate standard of proof. The Criminal Justice Act is silent on the question of the standard of proof to be applied, although Section 3.21 of the Act is of assistance. The Section provides:

*"(1) The Commission is not bound by rules or the practice of any court or tribunal as to evidence or procedure in the discharge of its functions and responsibilities, or the exercise of its powers or authorities, but may inform itself on any matter and conduct its proceedings as it thinks proper.*

*(2) The Commission shall, at all times -*

- (a) act independently, impartially, fairly and in the public interest;*
- (b) act openly, except where to do so would be unfair to any person or contrary to the public interest;*
- (c) include in its Reports -*



- (i) *its recommendations with respect to the relevant subject matter;*
- (ii) *an objective summary and comment with respect to all considerations of which it is aware that support or oppose or are otherwise pertinent to its recommendations."*

Section 2.43(1) of the Act provides that a Misconduct Tribunal is not bound by rules or the practice of any court or tribunal as to evidence or procedure in the exercise of its jurisdiction, but may inform itself on any matter and conduct its proceedings as it thinks proper. There is clear authority<sup>6</sup> that such a clause distinguishes disciplinary proceedings from criminal proceedings in that a tribunal constituted to hear disciplinary charges of official misconduct would not be required to apply the criminal standard of proof beyond reasonable doubt and could make its findings on the balance of probabilities according to the civil standard.

The Commission considers that, by analogy, it is not required to apply the criminal standard of proof in making its investigative findings or in proceedings before it.

The civil standard of proof varies according to the gravity of the finding to be made. Sir Owen Dixon in Briginshaw -v- Briginshaw (1938) 60 C.L.R. 336 defined the standard of reasonable satisfaction necessary before findings should be made and in doing so, nominated a series of factors which could effect a variation of the standard of proof. At pages 361 - 362 he stated:

*"Except upon criminal issues to be proved by the prosecution, it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether an issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect references ... this does not mean that some standard of persuasion is fixed intermediate between*

<sup>6</sup>

Per Carter J in Re: Seidler (1986) 1 Q.R. 486 at 491

*the satisfaction beyond reasonable doubt required upon a criminal inquest, and to the reasonable satisfaction which in a civil issue may, not must, be based on a preponderance of probability. It means that the nature of the issue necessarily affects the process by which reasonable satisfaction is attained."*

The Commission also finds support for its view that the requisite standard of proof for matters which it investigates is that of "reasonable satisfaction" in the adoption of that standard by Inquiries such as the Royal Commission appointed to inquire into the loss of the Australian Naval Ship "Voyager" and the recent Commission of Inquiry into certain allegations concerning the then Mr Justice Vasta, conducted by Sir Harry Gibbs, Sir George Lush, and the Honourable Michael Helsham.

## CHAPTER 5

### INVESTIGATION

The investigation commenced with the attendance of a deputation of members of Inala's Aboriginal community at the offices of the Criminal Justice Commission on 7 November 1990. Further interviews thereafter were, as far as possible, conducted with Aboriginal persons away from Commission premises or other government offices such as police stations, so as to minimise the potential for intimidation of the witnesses. This approach, although time-consuming, was certainly beneficial for the Commission's purposes, as complainants were less likely to be inhibited by virtue of their physical surroundings.

A team of eight (8) Commission police officers, supervised by a senior lawyer, was assigned to the investigation.

Forty-five Aboriginal persons were interviewed.<sup>7</sup> Most of the interviews were conducted at the Wandarrah Centre and private residences. Whenever possible, interviews were conducted at a place convenient to both Commission officers and the person to be interviewed. Informants were encouraged to utilise the legal aid facilities available. In order to facilitate identification, five (5) photo identification boards containing photographs of 60 police officers were compiled from police photographs. The photo identification boards were shown to complainants and potential witnesses in order to assist them to identify police officers who allegedly engaged in unlawful or improper behaviour.

Apart from the community representatives, almost no Aboriginal persons volunteered to attend. Some witnesses did eventually co-operate after receiving individual requests to attend. Persons interviewed were asked to advise others to come forward, however this request met with little success.

In order to locate independent witnesses, a door knock in the immediate vicinity of the Wandarrah Centre was conducted. Thirteen additional witnesses were thus interviewed, generally at their own homes.

A total of 65 police officers were interviewed.

All interviews conducted by Commission officers were recorded by means of either audio tape or audio-video tape and then summarised or transcribed in full. A total

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<sup>7</sup>

A complete Schedule of all persons interviewed appears at Appendix C

of 4000 hours was expended in the investigation of this matter and in the compilation of this Report.

### **Difficulties Experienced in Conducting this Investigation**

Investigators experienced a number of difficulties which resulted in the investigation becoming complex and protracted.

Of the large number of Aboriginal persons present at the Wandarrah Centre on the night in question, very few volunteered to come forward with information and problems were experienced in ascertaining the identity of persons attending the function. As a consequence the Commission was placed in the somewhat unusual position of having to seek out complainants.

The Commission arranged to utilise the Wandarrah Centre to conduct interviews. The Aboriginal Legal Service undertook to locate Aboriginal people for interviews but few persons came forward. Appointments made through the Aboriginal Legal Service for witnesses to attend for interview on 14 and 17 December 1990 were not kept and promised medical certificates failed to materialise.

Difficulty was experienced in enlisting the services of field officers to assist in locating witnesses and due to the lack of assistance from within the Aboriginal community itself, it was necessary for Commission investigators to locate and convey witnesses to the Community Centre for interviews. A hostile reception by Aboriginal persons was received on several occasions, with some Aboriginal witnesses refusing to be interviewed. Commission officers were abused by some Aborigines when attempting to locate witnesses and generally encountered an admixture of apathy and active non-co-operation, e.g. some members of the community were simply not interested; some residents turned police away when the witness was hidden inside their homes etc.

Other serious problems of an evidentiary nature, such as the adverse effect on witnesses' abilities to recollect events due to the effect of alcohol, and conflicting versions of events provided as between Aboriginal witnesses and conflicting identification evidence, also emerged.

Problems associated with the identification and location of police officers who attended the incident and the co-ordination of police interviews to suit their legal representatives compounded the difficulties already being experienced by investigators and contributed to the time delays.

## CHAPTER 6

### CHRONOLOGICAL SUMMARY

2 November 1990

7.30pm - Persons commenced arriving at the function at the Wandarrah Centre, Azalea Street, Inala.

3 November 1990

12.30am - Constables Hunt and Batterham receive a call from Police Operations to attend a disturbance at Azalea Street, Inala.

12.34am - Constables Hunt and Batterham arrive at the Centre. A large crowd is observed in the Centre grounds, on the road and footpath, and in the football field opposite. Several fights are in progress. Constables Hunt and Batterham request assistance at the Community Centre. Batterham and Hunt attend to two Aboriginal persons fighting on the football field. No arrest is made. In company with a function security officer, they move about the crowd making requests that people move on. Police officers Angus, Pemberton, Jones and Bull all arrive at the scene. A violent confrontation between Stephen Coghill and two of the officers occurs. A large crowd gathers around the incident. Police attempt to arrest and handcuff Coghill. Coghill resists and he and the officers fall to the ground. The crowd moves in around the three men. The police attending to Coghill are kicked and punched by the surrounding crowd. Other police come to their aid and a defensive circle is formed. Attempts are made to remove a police firearm from its holster by members of the crowd. Some officers use police batons to fight back the crowd. Police officers are injured.

12.43am - Additional police assistance at the scene is sought. Coghill escapes. Police retreat. The crowd becomes increasingly violent and vocal. Rocks, bottles and sticks are being thrown at police. The crowd fans out across Azalea Street

and advances towards the police in a straight line. Many of the people are obviously affected by alcohol. Rocks, bottles and sticks are still being thrown and branches are being torn off trees in the surrounding area. Damage to police vehicles occurs.

12.47am - Urgent assistance is then requested by the police at the scene. Police and Aborigines are stationary in two groups, which remain separated. Numerous police units respond by radio that they are proceeding to area. Police arrive intermittently.

12.50am - A Police Inspector, Inspector Firman, is dispatched from Upper Mount Gravatt.

12.57am - Inspector Firman arrives at scene.

Between 12.57am and 1.06am

- \* Inspector Firman approaches crowd in company with a member of the Aboriginal community and attempts to speak with the crowd. Firman is abused and threatened. He requests that the crowd disperse. No-one leaves.
- \* Police are directed by Inspector Firman to disperse the crowd, which is still disorderly and congregated on the roadway and footpath.
- \* By this time approximately 30 police, who have gathered in Azalea Street (towards the intersection with Archerfield Road), move forward. As the police move forward some Aborigines flee the scene whilst others stand their ground and continue to be abusive to police. Some Aborigines move down side streets and into private yards.

- \* Police arrest a total of 20 persons for various offences. Those arrested are placed in police vans. A television crew has arrived by this stage and films one person being placed in a police van.

1.06am

- \* Inspector Firman advises Police Operations that the crowd has been dispersed after an attempt at mediation.
- \* A sizeable group of Aboriginal youths and children remain in the area and is quite vocal.
- \* The persons arrested are conveyed to the Inala watchhouse.

1.20am - Sergeant 1/c Symes leaves the scene and proceeds to the Inala watchhouse to supervise the processing of the prisoners.

1.30am - Constables Hunt and Batterham leave the scene and proceed to the Inala watchhouse.

1.37am - The first prisoner, Darren Broderick, is charged at the Inala watchhouse.

4.15am - Last person charged.

5.00am - Sergeant 1/c Symes apparently departs the watchhouse and returns to the Upper Mount Gravatt station.

12.04pm - The remaining prisoners have been fingerprinted and photographed. Except for Tyrone John Boyd, who is kept in custody by virtue of outstanding Warrants of Commitment and Robert Bruce Swan, who is apparently kept in custody as he had no fixed place of abode, all have been released on bail.

10.05pm - Acting Inspector Palmer makes an inspection of the watchhouse. No complaint is made to him by any Aboriginal prisoner.

4 November 1990

A television station news vehicle is damaged outside the skating rink. Police are called to the area. AB is subsequently arrested and charged with wilful damage and obscene language. Robin Glendon Conlon and KL, a male juvenile aged 15 years, are arrested at about the same time for drunkenness.

AB, Conlon and KL are all conveyed to the Inala watchhouse by Constables Angus and Murphy.

8.13pm - AB is charged by Constable Angus at the Inala watchhouse with wilful damage and obscene language.

8.17pm - Robin Glendon Conlon is charged by Constable Angus at the Inala watchhouse with being drunk.

8.25pm - KL is charged by Constable Angus at the Inala watchhouse with being drunk.

Tyrone Boyd alleges that he was punched, kicked and kneed by police officers whilst in his cell at the Inala watchhouse.

Between 8.25pm and 1.42am - Conlon alleges he was assaulted by two police wearing balaclavas.

5 November 1990

12.25am - AB is released from the Inala watchhouse.

12.35am - KL is released from the Inala watchhouse.

12.45am - Acting Inspector Johannssen inspects the watchhouse. No complaints are made to him.



1.42am - Robin Glendon Conlon is charged by Constable Cook with serious assault on Constable Jones, which is alleged to have occurred at the Wandarrah Centre on 3 November 1990.

11.35am - Robin Glendon Conlon is released from custody.

6 November 1990

Tyrone Boyd alleges that he was punched in the stomach by police at Inala watchhouse.

The Commissioner of Police, Mr Newnham, submits a report to the Criminal Justice Commission concerning some matters of complaint.

Complaints are received by the Criminal Justice Commission from Santa Unmeopa, Lorna Tyson and William Bonner concerning police actions at the Community Centre and subsequent incidents. These are the only formal complaints made to this Commission by Aboriginal persons.

## CHAPTER 7

### RELEVANT LEGISLATION

Offences under Sections 335 (Common Assault), 339 (Assault occasioning bodily harm) and 355 (Deprivation of liberty) were considered in addition to disciplinary offences under the Police Service Administration Act 1990 and the Queensland Police Service Code of Conduct.

General Instruction 2.25 of the Queensland Policeman's Manual provides instructions to police on the use of batons and states that they are primarily to be used for protection if violently attacked -

- (a) For the purpose of using such force to an assailant as is reasonably necessary to make effectual defence against an unlawful assault;
- (b) Using such force as is necessary to prevent the escape or rescue of a person who has been lawfully arrested.

General Instruction 2.27 provides that in dispersing a riotous mob, members of the Police Force should move through the crowd, breaking it up, and should not use force unless it becomes absolutely necessary.

## **CHAPTER 8**

### **THE ISSUES**

Given the conflicting evidence provided with respect to the confrontation at the Community Centre and its aftermath, it has proved impossible in most instances to define events with any degree of certainty.

Whilst a reasonably uniform account of the events preceding the attempted arrest of Coghill has emerged on the evidence, there is a marked divergence in the accounts of police and Aborigines regarding later activity. Further, there are marked inconsistencies as between the accounts of Aboriginal witnesses and in some cases contradictions. Some independent evidence has been supplied by local residents and ambulance officers, which has been supplemented by video film footage taken after the crowd was broken up.

- **Is there evidence that the confrontation between Police and Aborigines at the Wandarrah Centre was instigated or orchestrated by Police?**

Upon arriving in response to calls from Lorna Tyson and residents, the first two police officers on the scene called for immediate assistance upon appraisal of the situation. The officers apparently attempted to persuade other Aborigines to break up a fight which was in progress on the football oval near the Community Centre. A group of people leaving the function had gathered to watch the fight. The police endeavoured to persuade the crowd, which by this time had spilled out onto the roadway and across into the football oval, to return inside the Centre's perimeters or leave the area entirely. By this stage of the evening some patrons had already departed. Others were leaving, however some still remained within the pre-school and its perimeters.

Police say that Stephen Charles Coghill began inciting other Aborigines to resist the police presence and Coghill subsequently assaulted Senior Constable Jones by hitting him in the chest. The accounts of police and Aborigines differ from this point onwards.

The police account is that an attempt was then made to take Coghill into custody. He struggled with police and was near the gutter when he dropped to the ground. The police fell with him. Coghill allegedly continued to struggle and was lying on his stomach with one of his arms handcuffed. It allegedly took considerable effort to place the handcuff on his other arm. During this time a crowd formed around the incident and Constables Angus and Jones were abused, punched and kicked

whilst they were on the ground attempting to handcuff Coghill. Other police came to their assistance and endeavoured to form a semi-circle around them, some fending off the group with batons. Attempts were made to remove a police weapon from its holster during the melee. The group of Aborigines, who outnumbered the police, persisted with the attack and it was decided to abandon Coghill. A hasty retreat was then effected. It is alleged that members of the group were screaming "Get the white bastards", "Kill them" and similar threats and obscenities. Such threats were heard by neighbours in the immediate vicinity. Officers later said that they were "in fear of their lives".

The accounts of the Aboriginal witnesses are less consistent. In general, Aboriginal witnesses say that Coghill abused police, who then effected a violent arrest of him, striking him to the ground and beating him with batons. The arrest was witnessed by Coghill's daughters, one of whom became distressed and made statements to the effect that the police had killed her father. The crowd reacted to the display of force and attempted to free the man.

At the time of this incident the police allege that there were six (6) to eight (8) police officers present. One went to radio for help. When he returned Coghill had been freed and the police had retreated with the crowd advancing upon them, brandishing tree branches and hurling rocks, sticks and bottles. One police officer had fallen and was dragged by the collar by other officers so that he was not left behind. The group of Aborigines then advanced and damaged a police car with branches and rocks, breaking its windows and headlights and denting the panels. A second police car was similarly damaged. Bottles were being smashed on the roadway and branches torn from trees. The police stopped near another police car and the crowd, which greatly outnumbered them, did not pursue or attempt to surround them. Other Aborigines remained in the area about the Community Centre. Additional police continued to arrive.

Some 20 minutes after the first police attended the scene an Inspector arrived. He initially spoke with the function organiser and then in company with a member of the Aboriginal community, addressed the crowd for about 30 seconds to one minute, requesting that they disperse. The group did not break up. Firman then signalled for the police to advance in order to disperse the crowd, which included women and children.

The police advanced, walking towards the group. The Aborigines moved into side streets, private yards and the football field. Police pursued certain individuals, whom they allege were involved in offences such as wilful damage to the police cars, drunkenness and obscene language. Nine minutes after he arrived the Inspector reported that the crowd was dispersed after an attempt at mediation.

The basis for Mrs Tyson's allegation of a "set-up" is the allegedly quick arrival of large numbers of police armed with "riot" equipment and the orderly progress taken by police during the dispersal of the crowd. The accounts from other Aboriginal witnesses are not at all uniform, although common factors have emerged, namely that the police arrived quickly and in great numbers and appeared to be well organised, being armed with "riot gear" such as batons and, on some accounts, shields. They then advanced into the crowd using excessive force to drive people off. Upon consideration of the evidence it emerged that the significant response by police was due to the emergency call following the incident with Coghill when the police were seriously outnumbered and under attack, which indicated that officers required urgent assistance.

It is estimated that about 30 police took part in the actual dispersal of the crowd although more officers arrived after the street had been cleared.

Interviews with independent witnesses did not disclose any evidence of the use of riot equipment although witnesses indicated some police were in possession of batons or torches. These witnesses did not observe any improper or excessive use of batons or force in general. Standard issue batons are normally carried by police performing night patrol duties. The video film of police taken after the dispersal shows that police were carrying large torches and three styles of baton. All three styles were police issue.

A few motor cycle police were in attendance. These officers were wearing helmets. No officer used or was in possession of a shield during the dispersal of the crowd.

The Commission is aware that a previous incident at the Richlands Tavern involving the theft of a police firearm may have contributed to a perception on the part of some Aboriginal persons that the police action was in retaliation for this prior event. A thorough investigation of this issue has disclosed that no Aborigines or police involved in the Richlands incident were involved in the events at the Wandarrah Centre and that this incident was unrelated.

- **Is there evidence that Police used unnecessary force including the use of batons in handling the events and dispersing the crowd?**

Police state that batons were used to fend off persons who, in an attempt to rescue Coghill, were assaulting police. It seems that batons were also used by some police in an attempt to effect arrests. Police allege that they attempted to use the batons on the legs of those people in accordance with accepted police procedure.

Injuries were reported by seven (7) officers. These included scratches, abrasions, one black eye, cuts to the head, bruises to face, neck, arms, legs, ribs and a suspected broken jaw (this last injury was found to be severe bruising only, following an x-ray).

### **Evidence of Aboriginal Witnesses**

Aboriginal witnesses allege excessive and indiscriminate force was used. Particulars of the individual assaults are as follows:-

- Darren Michael Costello alleged that he was hit with a police baton across his legs in the football park opposite the Community Centre. He identified Constable Angus as committing this assault. Several days later Costello was arrested by Constable Hunt and charged with one count of serious assault against Constable Hunt on 3 November 1990, particulars being that Costello spat at Constable Hunt during the attempted arrest of Coghill.

Costello presently resides in Proserpine and has not been shown the photo identification boards although he states that he knows Angus personally.

On 11 December 1990 Costello pleaded guilty to assault and was convicted and fined \$200 in default 8 days imprisonment. He was allowed three (3) months to pay the fine.

- Steven Charles Coghill alleged that he was outside the Wandarrah Centre when he was rushed at by police and knocked down and handcuffed. He was dragged away and then claims he lost consciousness. He denied assaulting Senior Constable Jones and said that he did not assault any police except in self defence.

An Aboriginal witness stated that she saw Coghill handcuffed and assaulted by police and that the crowd had surrounded the police. Coghill then got into a bus belonging to a person by the name of Conlon and was driven to Conlon's house, where the handcuffs were removed. Coghill denied this.

It appears that Coghill was not ultimately charged with any offence arising out of the incident.

- Cyril Clevens alleged that he was abused and sworn at by a uniformed police officer outside the Wandarrah Centre. He was unable to identify the

officer concerned. He alleged that this officer struck him on the elbow with a baton.

Clevens also alleged that he went to assist a person (probably Coghill) who was being struck with batons and handcuffed by police. In doing so he pushed a police officer he believed to be Constable Pemberton. He was then grabbed by Angus who subsequently placed a baton across his throat. He alleges he was also struck on his legs with a baton. Clevens escaped from the melee and avoided being arrested. He did not seek medical attention.

Christopher Conlon said that he witnessed the assault on Clevens with the baton. He identified the officer using the baton as being named "Chris" (Pemberton's full name is Christopher Peter Pemberton, Angus' full name is Stephen Matthew Angus). Clevens was later shown the photo identification boards and identified Constable Pemberton as being a police officer who assaulted members of the crowd with a baton outside the community centre. He identified Constable Angus as the person who struck him with a baton and held a baton to his throat. Both Pemberton and Angus deny using batons on the night.

It appears that Clevens was not ultimately charged with any offence arising out of the incident.

- AB stated that he was struck by Constable Pemberton with a baton just prior to his arrest outside the Wandarrah Centre on 3 November 1990. He said that after the initial blow to his arm, he fell to the ground and felt several other blows to his back. He could not see who was hitting him.

AB was charged by Constable Pemberton with one count each of using obscene language, resist arrest, assault police and wilful damage (police car).

- Tyrone John Boyd alleged that he was struck on the chest with a baton. He was unable to identify the police officer concerned from the photo identification boards put to him. Boyd's girlfriend Zoe Sands, who witnessed the incident refused to be interviewed by investigators from the Criminal Justice Commission. In a statement taken by Aboriginal Legal Service Officers she states that an assault took place but does not identify any particular police officer.

Boyd was charged by Constable Sucic with one count of behaving in a disorderly manner, to which Boyd later pleaded guilty in the Inala Magistrates Court and was convicted and fined \$75.

- A male juvenile aged 14 years alleged that he had a baton shoved into his stomach and was kicked in the leg by a police officer. When shown photo identification boards he was unable to identify his assailants. He later identified two officers as being responsible, neither of whom attended the scene that night.

IJ said that he saw Constable Angus striking GH on the back with a baton. GH identified Constable Angus as being an officer known to him, but did not identify him as the person who assaulted him. AB said he witnessed the assault on GH but could not identify the police involved. Angus denies the allegation.

- EF was allegedly struck across the back with a baton outside the Community Centre. Medical evidence confirmed an injury to the back of the complainant, although she did not sustain any bruise or cut. EF said she had been standing in the pre-school premises and had seen a man being chased by the police. The man ran towards her and possibly around her. One of the police officers swung a baton at the man. The man either ducked or fell over, the baton missed him and EF was hit across the back. EF stated that the blow was accidental and that she believed that the police officer concerned did not know that he had struck her. EF's aunt stated that after EF complained to her, she heard persons within the Wandarrah Centre saying "Call the media, call the media".

A male juvenile aged 13 years, IJ, identified Constable Pemberton as being responsible for the assault on EF. Cyril Clevens stated that he was being pursued by a plain clothes police officer when he ran around EF. EF was standing behind Clevens and was struck when Clevens ducked to avoid being hit with the baton. In Cleven's opinion, the blow to EF was accidental. Pemberton, who was in uniform, denied IJ's allegation, stating that he was not in possession of a baton that night.

- Robert Bruce Swan alleged that he was struck on the back of the head and on the back by a uniformed police officer during the melee. He also said that he was struck on the back with a baton after becoming involved in the scuffle when police attempted to effect arrests. Swan stated that he was drunk at the time and cannot identify the officer who struck him. He was



shown photo identification boards of police who attended the incident, but could not identify the persons who allegedly assaulted him.

Swan was charged by Constable D'Hotman De Villiers with behaving in a disorderly manner and by Constable Hunt with wilful damage (police vehicle). He was convicted in the Inala Magistrates Court on 3 October 1991 and fined \$50 in default two (2) days imprisonment with respect to the first charge, and convicted and fined \$350 and ordered to pay \$811.50 restitution, in default 50 days imprisonment with respect to the second charge.

- Rodney Rex Currie claimed that he was struck on his back with a police baton by a plain clothes officer whilst he was being arrested at the Wandarrah Centre. He states that he was dragged across a fence by five (5) police officers. He was shown photo identification boards but could not identify the police officer who struck him. He identified Constable Angus as being the police officer who assisted in his arrest. Angus was in uniform.

This incident was apparently witnessed by a Beryl Smith. She could not identify the police officer concerned from the photo identification boards. Currie did receive medical attention for a bruised back and supporting medical evidence is available. The arresting officer, Constable Batterham, denied that Currie was assaulted in his presence.

Currie was charged by Constable Batterham with one count of using obscene language and one count of resisting arrest. He entered pleas of guilty to the charges in the Inala Magistrates Court and was convicted and fined \$40.00 and \$75.00 respectively.

- Norman Arthur MacDonald claimed that he was struck by a baton on the back whilst outside the Wandarrah Centre. He did not know the officer responsible.

Investigators have been unable to show MacDonald the photo identification boards as he could not be located after the incident.

MacDonald was charged by Constable Pemberton with being drunk. He forfeited bail.

## **Evidence of Police Officers**

The accounts of the principal police officers involved are summarised as follows:

- Constable Stephen Matthew Angus stated that he was in attendance at the Inala Police Station when he heard over the police radio that Constables Hunt and Batterham required assistance at Azalea Street, Inala. As a result of this request Angus and Constable Pemberton proceeded to the Wandarrah Centre. On his arrival he observed about 150-200 Aboriginal persons in Azalea Street and Constables Hunt and Batterham already in attendance.

Angus observed a number of fights taking place in the area and described the crowd as unruly and using obscene language. He also stated that liquor was being consumed. He observed Constables Jones, Bull, Guthrie and Cook arrive in Azalea Street. The crowd was calling the police "White Captain Cook cunts". Stephen Coghill was inciting the crowd to riot and using obscene language. Coghill was observed by Constable Angus to punch Constable Jones to the chest.

Coghill was arrested by Constable Jones and Constable Angus assisted him in the arrest.

The situation then turned very violent and police were attacked by the Aborigines. Constable Angus saw Constable Jones punched in the jaw and also observed Constable Batterham being assaulted. When police retreated Angus saw the police vehicle of Constable Jones being damaged and the windscreen smashed. He also observed the headlights of the vehicle being kicked in. He observed AB smash the rear window of a police vehicle with the limb of a tree.

After Inspector Firman arrived and motioned the police contingent to move through the crowd, Angus made a number of arrests. He states that he was not in possession of a firearm. Angus was in possession of a small baton which he states was not removed from his pocket that night.

He denied the allegation that he struck Darren Costello at any time and he stated that he did not see Costello at any stage during that evening.

Constable Angus stated that he did not use excessive force in effecting any of the arrests or whilst assisting in arrests that evening. He received

injuries to the rib area, but did not seek medical treatment as a result of the injuries.

- Constable Christopher Peter Pemberton stated that he attended the disturbance in Azalea Street in company with Constable Angus. There he observed Constables Hunt and Batterham standing near their car with a number of Aborigines gathered around them. There were several fights going on.

Two vehicles from the Oxley Police Station arrived containing Constables Guthrie, Cook, Bull, and Senior Constable Jones. Constables Guthrie and Cook were performing duty in plain clothes and driving an unmarked police vehicle.

It was decided by police to have a talk with the Aboriginal group and ask them to move off the road. The police then walked through the crowd in pairs asking people to stop fighting, to move off the road and to keep the language down. Most of the people remained on the road although some started to move off. The majority were using obscene language.

One person now known to Pemberton as Stephen Coghill emerged from the crowd and punched Jones in the chest. Angus or Jones effected an arrest on Coghill and started to lead him off towards the police car. Coghill went limp and all three men fell to the ground. The crowd then moved forward using obscene language and started kicking Angus and Jones while they were on the ground trying to handcuff Coghill.

Police formed a semi-circle around them. Angus attempted to close the handcuffs on Coghill however a number of people were kicking and punching them. Pemberton stated that he jumped over the top of the group and tried to push people back. He was punched and kicked. Police with batons were trying to fend people off and it was decided to abandon Coghill and retreat. Pemberton was not carrying a baton or wearing a firearm.

Pemberton recalls being pushed to the ground and kicked and punched by an Aboriginal person. One of his shoes was lost and stolen. Pemberton states that he was punched and kicked to the chest, legs and back. He recalls the group moving in a straight line towards the retreating police officers. He heard the words "Let's stick together we can kill these Captain Cook cunts".

Pemberton believes that if police had broken up they would have been chased and killed. Jones fell over at one point and was dragged by Pemberton by his collar. He believes that if any police had been left behind they would have been killed.

Pemberton stated that Constable Cook got into the unmarked police car and tried to start it. He observed AB throw a tree branch through the back windscreen. Cook then got out and retreated with the other police.

Upon Inspector Firman attending and giving the order to move into the group, Pemberton observed AB standing in the street and using obscene language. In company with Constable Angus, Pemberton walked towards AB and informed him that he was under arrest. AB then ran into the Community Centre with the police officers in pursuit. He was caught and arrested there, and struggled violently with police.

Pemberton did not receive any medical attention for injuries received although he sustained bruising to the side of the chest.

- Constable Stephen Robert Batterham stated that he attended at a reported disturbance at Azalea Street, Inala on the night in question in company with Constable Hunt. They were the first unit to respond and arrive at the location. He observed about 200 Aboriginal persons on the roadway, in the grounds of the pre-school and in the park opposite. The Aborigines were drinking stubbies and there were numerous fights in progress.

He recalls speaking to two people fighting in the park and to security officers. It appeared to Batterham that the group, which was abusing the officers, was "pumped up". He heard Coghill incite the crowd to riot or to take the "coppers". He further observed a struggle between Constables Jones and Angus with Coghill on the roadway.

He observed the Aborigines move closer and appear to get ready to charge the police. He stated that he was then about one (1) metre away from Jones, Angus and Coghill. Batterham drew his aluminium baton and was watching that no one else became involved in the struggle. He stated that he had drawn his baton in front of him for the purpose of preventing any attack upon himself or other officers.

He stated that he had to use his baton when the Aborigines started attacking the police by kicking them. He struck an Aboriginal person in the knee cap area with reasonable force but did not hit the person on the

upper body. This was a crowd control procedure taught to him at the Academy. Whilst protecting Jones and Angus he was punched to the side of the face. He did not see his assailant. He also chased an Aboriginal person across Azalea Street, whom he admitted striking in the legs at least ten times with the baton.

During the attack on the police, Batterham said he feared for his life. He judged that there were eight (8) police to approximately 150 Aborigines and said that he had never experienced anything like it before. He also observed an Aboriginal person attempting to remove an officer's gun from its holster during the struggle. Batterham stated that he received injuries to the chest, neck and stomach.

When Inspector Firman later signalled to police to disperse the crowd, Batterham arrested Rodney Rex Currie for obscene language and resisting arrest.

He denied the allegation that Currie was dragged over the fence by five police officers and struck with a baton to the back. He said that no excessive force was used in effecting the arrest on Currie.

In the opinion of Constable Batterham, police adhered to correct procedures on the evening.

- Constable Martin Andrew Hunt was performing duty at Inala Police Station on 2 November 1990. He was rostered from 12.00mn to 8.00am with Constable Stephen Batterham. He was the senior officer.

He stated that at about 12.25am he received a radio call concerning a disturbance in Azalea Street. He arrived there in company with Batterham at about 12.30am. Upon arrival he saw a group of about 150-200 Aborigines. Some were in the pre-school grounds, a few were in the street, and others in the park opposite. There was a fight between two persons in the park. Hunt asked other Aborigines to break up the fight, which they did.

Hunt stated that he and Batterham did not attempt to break up the fight themselves as they felt it would have provoked the crowd.

Other police arrived and he spoke to Constable Jones about arresting a particular person in the crowd who was "playing up a bit". Jones advised

him not to as the situation was hostile and they (the police) should try to calm it down.

He then moved back to the vicinity of the parked police cars. There were about eight (8) police present. They decided to attempt to move the crowd off the road. As they attempted to do so they were abused by the crowd and told to "Fuck off Captain Cook cunts", and similar abuse.

Hunt stated that he saw a person he believed to be Stephen Coghill punch Russell Jones to the chest area. Constables Angus and Jones started struggling with this person. Coghill fell to the ground. Hunt believes Coghill did this to make it hard for police to remove him.

He stated that about five (5) or six (6) Aborigines started moving to where Jones and Angus were trying to lift Coghill off the ground. He said that Jones and Angus were being punched and hit. Hunt stated that he had drawn his aluminium baton. He stood with Angus, Jones, Coghill and the others behind him and held his baton up, attempting to prevent about eight (8) to ten (10) Aborigines in front of him from attacking. Members of the crowd were jumping back and forwards at him. One person came close and Hunt states that he struck him with the baton on the knee. The person jumped back. Hunt states that he did not use full force and denied using excessive force.

He said that he had been trained in the use of batons and believed that if he had not used the baton he would have been assaulted. He also believed that if this person had taken hold of him other persons in the crowd would have moved in and overwhelmed the police.

He stated that whilst the police were holding the Aboriginal group back, Darren Costello spat at him. The spittle landed on his chest. Costello then ran into the pre-school. Hunt knew Costello and as he (Costello) ran off Hunt called out that he had identified him.

Hunt later took part in the dispersal of the crowd. He observed Batterham and Angus attempting to arrest Currie, while Beryl Rosetta Smith held Batterham saying, "leave him alone, leave him alone". Currie was on the footpath side of the pre-school fence. He was violently resisting arrest. Hunt arrested Beryl Smith for aiding Currie to resist.

Hunt stated that he did not see Currie struck with a baton nor did he see Angus or Batterham with their batons drawn.

Hunt also stated that he had earlier seen Robert Swan, who was a person known to him, smash the window of a police car. A number of other persons were also kicking the vehicle. He later recognised Swan at the watchhouse and arrested and charged him with wilful damage.

Hunt denied taking part in the arrest of Swan at the Wandarrah Centre as alleged. He did not recall seeing any other police using batons that night.

He stated that he arrested Darren Costello in relation to the assault on himself some days later and that Costello had pleaded guilty to this charge.

Hunt stated that the police at the scene acted in a professional manner. He denied speaking with Costello on the night. He did not see Angus strike Costello with a baton. Hunt suffered a black eye as a result of his involvement in this matter.

■ Senior Constable Russell David Jones stated that on Friday 2 November 1990 he was rostered for duty from 11.00pm to 7.00am with Constable Lloyd Bull.

He stated that he had attended the incident at the Wandarrah Centre, Azalea Street, Inala. On arrival there he saw 100 to 150 Aboriginal persons. There were groups fighting and drinking in the street and there were stubbies on the roadway.

A fight was underway near the football field. He instructed Constable Hunt to leave the fight and to attempt to calm the group down and move off the road and inside the grounds of the pre-school.

He spoke to one of the security officers to enlist his assistance to encourage the people to move back inside the grounds.

Jones stated that he spoke to a number of persons on the roadway requesting that they return to the Centre, but they did not take any notice of him.

Jones also stated that whilst he was addressing the group an Aboriginal male, Stephen Coghill, was calling out abuse to the police and inciting other Aborigines to fight and not listen to the "coppers". Coghill then emerged from the group and punched Jones to the centre of the chest. The blow forced Jones backwards. He and Constable Angus had then

approached the group and arrested Coghill. Coghill was grabbed by each arm and walked towards the police car.

Whilst walking Coghill went limp and started to drag his feet. His weight was too much for the officers and Coghill fell face down onto the roadway taking Angus and Jones with him.

As Coghill continued to struggle on the ground, an Aboriginal person named Solomon emerged from the crowd and punched Jones to the side of the head.

Jones stated that the assaults continued on the police and as they were outnumbered, the police retreated along Azalea Street to await further assistance from other units.

The prisoner Coghill was left on the roadway.

Jones then observed the group of Aborigines to congregate in lines across the road and move forward towards the police. The crowd was throwing stubbies, rocks, and "whatever they could get their hands on". He also observed them to break off tree branches.

These branches were used to damage the police vehicles which were parked in Azalea Street.

Inspector Firman arrived at the Wandarrah Centre. Jones spoke to Inspector Firman and explained the situation to him.

He stated that Inspector Firman then walked down to the group of Aborigines to attempt to calm the group. The attempt failed. The Inspector, with a waving motion, indicated to the police to walk down and disperse the crowd.

Jones arrested Elaine Isabel Queary, Matthew David Solomon, Brian Carpenter and George Cassius Currie and stated that he remained at the scene for about one and half hours.

He did not see any unlawful assault committed on any Aboriginal person that night, nor did he carry a baton.

Jones suffered injuries to the chest, ribs and jaw area as a result of the incident. His injuries were treated at the Inala Medical Centre.



- Constable Lloyd Gregory Bull was rostered with Senior Constable R Jones from 11.00pm to 7.00am on 2 November 1990.

He attended the incident at Azalea Street in response to a call from another unit. Bull and Jones arrived at approximately the same time as Constables Cook and Guthrie.

He observed a large number of Aborigines in the park, on the roadway and near the pre-school. There were numerous fights and scuffles going on in the area. The total number of eight (8) police were present at that time.

Bull estimated that between 150 to 200 Aborigines were present at Azalea Street. Obscene language was being shouted at the police group.

It was decided by the police that they should not make any arrests as they were outnumbered.

He observed a large male person near the driveway of the pre-school using obscene language calling the police "white Captain Cook cunts". Constable Jones and Angus went over to this person and he saw Jones move backwards. He then observed a struggle take place and the male person being handcuffed by the police.

Bull stated that he then proceeded to the police car and opened the door for the purpose of assisting Jones and Angus to put the prisoner in the vehicle. Whilst standing at the vehicle he was struck with a stubbie to the knee.

This injury to the knee was later examined at the Inala Medical Centre.

He stated that he then saw about 60 to 70 Aborigines converging on Constables Jones and Angus. Members of the group began kicking Constables Jones and Angus. Coghill was handcuffed and lying on his stomach with his hands behind his back. He also observed sticks being brandished.

In Bull's opinion, Jones and Angus did not use excessive force on Coghill to handcuff him. Bull stated that he then saw an ambulance drive through the crowd. Further assistance was requested from Police Operations. The police retreated up Azalea Street near the intersection of Frangipani Street.

Bull observed a number of Aborigines damaging the police vehicles which were parked in Azalea Street.

Upon arriving, Inspector Firman walked down to the group and to one of the elders. A short time later Inspector Firman waved the police group down and more bottles and bricks were thrown at the advancing police group. Persons in the crowd were then arrested.

Bull stated he arrested a Gary Couchy for drunkenness.

He remained at the scene until about 3.00am assisting the Scenes of Crime Officer, Damien Wegner.

He did not see any Aboriginal person assaulted that evening at the watchhouse or the scene. He did not have a baton in his possession that night.

### Other Evidence

Residents confirm that Aboriginal persons were shouting abuse and using obscene language during the evening. Some were observed breaking branches from trees. One witness observed a group of six (6) to eight (8) police officers to the side of the road on the football ground. The officers were together in a group, stood back and did not appear to react to the provocation offered by the group of Aborigines. The witness observed Aboriginal persons throwing bottles, rocks and sticks at the police.

The group of Aborigines that had gathered in the middle of Azalea Street grew larger and some incited others to fight the police. There was another group of Aborigines situated outside the pre-school and this group also shouted abuse at the police. The police group relocated towards Archerfield Road to avoid being hit by objects being thrown. The witness did not see any batons in the hands of police but noticed that some police were wearing motor cycle helmets. The police attempted to calm the crowd and at no time did the witness hear police yell obscenities at the Aboriginal people.

The witness saw the police disperse the crowd and observed that police appeared to be identifying and arresting certain Aborigines. The police seemed to be well organised and were not observed to use any undue force. In the witness' opinion the police "handled the situation in a professional and restrained manner". She did not observe any police misconduct and was astonished by the press coverage of the incident the following day. This witness would appear to have no particular sympathies with either faction involved (her son is serving a term of imprisonment).

Other witnesses observed Aboriginal people fighting and abusing each other and one saw Aboriginal people urinating in her yard and asleep on her front verandah. This witness did not see any confrontation between Aborigines and police but heard someone yell "get the white bastards". Other witnesses stated that they could not sleep because of the noise of the function, others told of arguments, women screaming and glass being smashed. One resident reported hearing a police officer call out "leave me alone, leave me alone" and somebody else reply "leave him alone mate, there is no need to kick him like that". This resident also heard a person say "we're in the fight with you Robbo, kick the mongrel, kill him".

Evidence was also taken from two ambulance officers who attended the scene. They were forced to drive through part of the group on the road and as they did so some Aborigines abused them and punched the vehicle. The officers were present when Inspector Firman approached the crowd, attempted to negotiate and later ordered the police to disperse the group. They did not see any physical confrontation between police and Aborigines and it appeared to them that the police acted with great restraint.

A video tape recording taken shortly after the dispersal disclosed a vocal group of Aboriginal youths and children standing apart from police and not obviously distressed or subdued. The picture demonstrates their failure to respond to the forceful demands of a security officer employed at the function to return to the Community Centre.

- **Is there evidence of assaults by Police occurring at the Inala watchhouse after the incident at the Wandarrah Centre?**

It took approximately three (3) hours to process the twenty people arrested through the Inala Watchhouse<sup>8</sup>. Many were charged with drunkenness and public order offences. The processing was supervised by Sergeant 1/C Symes at the order of Inspector Firman.

- Tyrone John Boyd is unable to identify the officers whom he alleges kicked and punched him upon his arrival at the watchhouse or afterwards.

In a statement given to the Aboriginal Legal Service, Boyd said that upon alighting from the police van (presumably at the Inala Watchhouse) he had been handcuffed, kicked and punched. He stated that one of the

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<sup>8</sup>

A Schedule of Charges appears at Appendix D

officers responsible was named "Mick" and was of a large build with short spiked blonde hair. Constable Sucic was the arresting officer and does not fit this description.

Boyd further stated that on around the evening of 4 November 1990 he was punched, kicked and kneed by police officers whilst in his cell at the Inala watchhouse. There is no evidence to corroborate this allegation and Boyd was unable to identify the officers responsible. Boyd also stated that on Tuesday 6 November 1991 whilst in his cell he was punched in the stomach by a police officer. He was unable to identify the officer responsible and there is no evidence to corroborate this allegation. Boyd did not seek medical attention for any injuries.

When interviewed by officers of the Criminal Justice Commission, however, Boyd alleged only that he had been pushed around and shoved in the back of the head at the watchhouse. No other allegations were made in this regard. He could not identify any of the officers concerned.

A woman, Elaine Queary, who travelled in the police van with Boyd, states that she saw Boyd grabbed by the hair by police when taken from the van. She was shown photo identification boards of the police known to have attended the scene but was unable to identify the police concerned. Queary did not see anyone "bashed" at the watchhouse.

Robert Bruce Swan states that he saw another prisoner (probably Boyd) taken from his cell to be fingerprinted and that when he returned some time later he had a bleeding and swollen lip. Boyd does not refer specifically to this incident.

Boyd made no complaint to Inspector Palmer, who inspected the watchhouse on the evening of 3 November 1990, or to Inspector Johannssen on the morning of 5 November 1990. Boyd also alleged that he was abused by police at the Inala watchhouse. No corroboration has been found of this later incident and he was unable to identify the officer concerned.

Boyd's arresting officer, Constable Sucic, has denied any knowledge of any improper conduct regarding the treatment of Boyd.

- Charles Christopher Saunders alleges that he was "king hit" by a police officer outside the Inala watchhouse. He identified Constable Pemberton as committing the assault and Constable Angus as being present during the

assault. He knows both officers. Saunders did not wish to make a complaint and received no injuries. He could not be located when a later attempt was made to show him the photo identification boards. No other witnesses corroborate his account. Constables Pemberton and Angus both deny the allegations.

- CD identified Constable Hunt from photo identification boards as being the police officer who assaulted him at the Inala watchhouse counter. He alleged that he was struck in the mouth and elbowed in the ribs by the officer in the presence of other police and that he suffered a bruised lip and a bruise to the back of the head as a result. CD stated that he consulted a doctor at the Inala Medical Centre the following morning but failed to supply a copy of the medical certificate to the Commission. The Commission made repeated requests both of the witness and the Aboriginal Legal Service to supply the certificate, to no avail.

Cynthia Flucker, a prisoner in the watchhouse at the time, identified two (2) officers who were pictured in the Sunday Sun newspaper as being the officers responsible for the assault on CD. These officers were Constables Pemberton and Angus. When shown photo identification boards containing photographs of these officers amongst others, however, she did not identify them as being responsible for the assault, although she stated that both Pemberton and Angus were present at the watchhouse that night.

Another prisoner, Beryl Smith, described an assault on CD at the watchhouse counter.

Smith's account varied from that provided by CD. She was unable to identify the assailants. Smith identified Angus as the officer who took her fingerprints and Hunt as the officer who supplied her with a glass of water but made no allegation against either officer.

CD also alleged that he was punched in the jaw by a police officer just prior to being released at 4.50am. He stated that this assault was committed by the same officer who assaulted him at the counter.

AB said that he saw CD punched in the face by an officer at the door of the watchhouse. He could not identify the officer.

Norman Arthur MacDonald, who was a prisoner in the watchhouse at the time, stated that he witnessed Constable Pemberton punch CD in the jaw at

the watchhouse door. Constables Hunt, Angus and Pemberton all deny assaulting CD.

- Robert Bruce Swan alleged that upon his arrival at the watchhouse following his arrest he had been struck about four (4) times by a police officer in the mouth and ear. He could not identify the officer at the time of the interview. Swan stated that he suffered a bruised lip and sore mouth, ear and back as a result of the assault, although he did not seek medical attention. He was later shown photo identification boards and identified Constables Angus and Pemberton as persons who struck him when he was being charged at the watchhouse.

Swan also complained that a police officer called him a "black cunt" and offered to fight him at the watchhouse. He identified Constable Geary from a photo identification board as being the police officer responsible.

The arresting officer Constable D'Hotman De Villiers denied any knowledge of ill and improper treatment of Swan. Constables Angus, Geary and Pemberton deny the allegations.

- Matthew David Solomon stated that he was assaulted at the Inala watchhouse where his head was slammed into the counter. He could not identify the officer concerned. Solomon resides in Alice Springs and has not been shown the photo identification boards. He did not receive any injury and did not wish to make any complaint concerning this matter. The arresting officer, Constable Jones, denied any assault was committed on Solomon in his presence. Solomon failed to appear at the Inala Magistrates Court and a warrant issued for his arrest.

Sergeant 1/C M Symes was present at the watchhouse overseeing the charging of the persons arrested at the Wandarrah Centre. He stated that no assaults occurred in his presence.

- **Is there evidence of assaults by Police at Inala watchhouse following arrests at the Inala Skating Rink on 4 November 1990.**

Following a vehicle being damaged at the skating rink on the night of 4 November 1990, three Aboriginal persons, Messrs AB, Conlon and KL were arrested. AB was charged with wilful damage and obscene language, Conlon and KL with being drunk. They were conveyed to the watchhouse together.

- AB alleged that Constable Angus punched him in the jaw at the watchhouse on the evening of 4 November. He alleged that Angus came into his cell and assaulted him, and that a Sergeant had walked past and said to Angus, "That's enough Steve". AB stated that he subsequently consulted a doctor and provided a medical certificate to the Commission dated 6 November 1990 which confirmed that he had suffered lacerations to the inside of his cheek. No Sergeants were rostered for duty at the time of this assault. Senior Constable McDonald was the watchhouse keeper and officer in charge of the shift and would appear to be the person referred to by AB. He stated that he had no knowledge of the incident alleged. Constable Angus denies the allegation.
- Robin Glendon Conlon alleged that Constable Angus assaulted him by punching him in the back of his head at the exterior steel gate giving access to the watchhouse compound on the night of 4 November 1990. Conlon states he received a bruised ear as a result of the assault and provided medical evidence.

When interviewed, neither KL nor AB could corroborate this assault. KL, however, stated that he witnessed an assault on Conlon by Angus as they were walking along a corridor inside the watchhouse prior to reaching the charge room. This assault was also witnessed by Tyrone Boyd, who was still detained in custody, and according to KL, consisted of several punches to Conlon's head with a clenched fist. Boyd described a push to the back of Conlon's head with an open palm and several slaps around the head with open hands. Conlon himself does not allege this assault occurred. Angus denies the allegations.

AB, Conlon and KL had apparently consumed two bottles of rum prior to being apprehended by police and appear to have been grossly affected by liquor. KL stated that AB and Conlon began drinking before him and in his words "were drunker than I was".

- In a statement to the Aboriginal Legal Service Conlon also alleged that Constable Angus assaulted him by punching him in the head and left shoulder at the fingerprint bench of the Inala watchhouse, in the presence of police officers Karyn Murphy and Kevin McDonald. KL stated that he did witness an assault by Angus on Conlon at the watchhouse counter, but indicated variously that the back and/or side of Conlon's head was struck. KL knows Angus from previous dealings with him and also identified him from the photo identification boards.

Angus denies this allegation. Murphy and McDonald said no assault occurred in their presence. When interviewed by officers from the Criminal Justice Commission Conlon stated that he was punched in the chest at the fingerprint counter. AB did not see or hear any other person assaulted by police.

- Conlon also alleged that on the night of 4 November 1990 or in the early hours of 5 November, Constable Angus came to his cell with four other police officers and took him to an interview room in the watchhouse, where he was left. Conlon stated that a short time later two (2) police officers wearing balaclavas entered the room and one assaulted him by punching him in the chest. Conlon identified the person who struck him as Angus by his voice and height. He also believed the second officer to be Constable Pemberton (whom he named as "Emberton") but could not be certain of this identification. The motive for the assault appeared to be to ascertain the identity of the person who escaped with the handcuffs at the Wandarrah Centre (Coghill).

In a statement taken at the Aboriginal Legal Service Tyrone Boyd stated that in the early hours [of 5 November 1990] he saw two police officers with balaclavas and knuckledusters go into a little room. Boyd later saw Conlon when he returned to the cell. He observed that his ear was bruised and that Conlon was crying. Conlon then told him he had "just got a flogging from the coppers". Boyd did not refer to any earlier assaults on Conlon.

When interviewed by Commission officers Boyd described an assault on Conlon when Conlon was walking along a corridor inside the watchhouse (referred to supra) and identified Angus as the assailant. Boyd then refers to four (4) or five (5) uniformed officers looking in at Conlon in the cell and saying something to him. These officers then left the watchhouse and returned to the station. Boyd stated that a police officer opened the cell door and spoke to Conlon, who then accompanied police into a little room next to the charge room. Constable Angus was not present at that stage. The door to the room was shut and Boyd could hear bangs coming from the room.

Conlon was in the room for approximately ten (10) minutes and Boyd observed that when he returned to the cell, Conlon's left ear was "all black and purple". Contrary to his earlier statement Boyd said that he did not see anyone wearing balaclavas. Boyd stated that Angus was not one of the officers that he [Boyd] saw enter the interview room with Conlon. He did



not know the officers who entered the interview room with Conlon. He later identified officers from a photo identification board as being those who had taken Conlon to the interview room. The photograph did not depict any officers involved in the Wandarrah Centre incident or afterwards, and the officers concerned did not attend the Inala watchhouse on the night in question.

Conlon stated that after the assault by the police wearing balaclavas he was then interviewed by two other police about another assault matter. He stated that these officers, Cook and Guthrie, did not assault him in any way, but he made no complaint to them of the incident involving the balaclava-clad men.

When compared, the statements and records of interview of Boyd and Conlon are contradictory in part and contain substantial inconsistencies and variations in detail from the original interviews.

It has been ascertained that both Pemberton and Angus were at the watchhouse around midnight on 4 November 1990. It has also been ascertained that Conlon was charged at 1.42am on 5 November with a serious assault allegedly committed on Constable Jones at the Wandarrah Centre. Conlon was arrested by Constable Cook on this charge. Cook confirmed the presence of Angus, Pemberton and two other police in the vicinity but said he did not have any knowledge of an assault.

Both Pemberton and Angus deny the allegations.

## **CHAPTER 9**

### **FINDINGS**

- **Is there evidence that the confrontation between Police and Aborigines at the Wandarra Centre was instigated or orchestrated by Police?**

#### **(i) Complaint of Lorna Tyson**

Police responded to a call from a function organiser and others in the vicinity of the hall and arrived intermittently in accordance with the distance they had to travel. It is likely that the majority attended in response to the emergency call, which indicated that officers required assistance. Police were in possession of three types of batons, all of which were standard issue. There was no evidence of "riot gear" or shields. A few motorcycle police were present wearing helmets and some officers of the dog squad. The latter, who were wearing overalls, did not approach the crowd.

The Commission finds that there is no evidence that the response and confrontation were the result of racially-motivated planning by police officers, nor is there any evidence that any police action was in retaliation for the earlier theft of a police firearm at the Richlands Tavern.

- **Is there evidence that Police used unnecessary force including the use of batons in handling the events and dispersing the crowd?**

Certain police officers confirmed that they had struck people across the legs with batons in self defence and to effect arrests. Residents and others who witnessed the events did not observe any improper or excessive use of force, including batons. There is no medical evidence of serious injury to any Aborigine. The police were still significantly outnumbered at the time the signal was given by Inspector Firman to break up the group.

#### **(ii) Complaint of Darren Michael Costello**

Costello identified Constable Angus as the officer who struck him across the legs with a baton in the park opposite the Centre.

Whilst Costello identifies Angus as his assailant, this incident allegedly occurred before any other incident involving police and Aborigines and was not spoken about by any other person. Upon consideration of the evidence it emerged that Angus had not in fact arrived until about the time of the later incident with Coghill, well after the time Costello alleges he was hit.

**The Commission finds that this complaint cannot be substantiated on the evidence.**

**(iii) Complaint of Stephen Charles Coghill**

Coghill stated that he was attacked by police outside the Community Centre for no apparent reason. Police state that Coghill initiated the confrontation by assaulting Senior Constable Jones. Other Aboriginal witnesses confirm that Coghill did abuse the police and some state that police used excessive force in endeavouring to arrest him. Coghill did not wish to make a complaint at the time of being interviewed. He did not identify the person(s) who allegedly struck him and did not provide evidence of any injury. His testimony regarding subsequent events conflicts with other Aboriginal witnesses. Police allege Coghill struggled violently when they attempted to arrest him.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(iv) & (v) Complaints of Cyril Clevens**

Clevens stated that he was unable to identify the officer whom he alleges swore at and abused him outside the Centre, nor could he identify the officer who struck him on the elbow. Clevens further alleges that he was assaulted with a baton when he went to assist a person being arrested by police. This person would appear to have been Stephen Coghill. He admits to pushing a police officer he believed to be Constable Pemberton. Clevens claims that he had a baton placed across his throat by Constable Angus and was struck by another unknown police officer with a baton on his legs. Clevens did not seek medical attention. Christopher Conlon allegedly witnessed this incident but identified an officer other than Angus as the principal assailant. Angus and Pemberton deny the allegations and specifically deny using batons at all during the evening.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(vi) Complaint of AB**

AB complained that he was struck with a baton by Constable Pemberton just prior to his arrest. Pemberton states that he did not use a baton on the night and that AB attempted to avoid police and struggled violently when apprehended. AB was charged by Pemberton with obscene language, resisting arrest, assaulting police and wilful destruction of property. There is no medical evidence of injuries consistent with these allegations.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(vii) Complaint of Tyrone John Boyd**

Boyd alleged that he was struck on the chest with a baton. He was shown photo identification boards of various police but was unable to identify the officer allegedly responsible for striking him. The other witness did not make a positive identification of any police officer. Boyd was charged with behaving in a disorderly manner.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

**(viii) Complaint of GH**

The two persons identified by GH from the photo identification boards as being responsible for the assaults did not attend the scene at all that night. Another child witness, II, identified Angus as being responsible, however GH identified Angus only as an officer known to him. He did not identify him as the person who assaulted him. Angus denied the allegation.

AB stated that he witnessed the incident but could not identify the officer(s) involved.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(ix) Complaint of EF**

Cyril Clevens stated that he was being pursued by a plain clothes police officer when he passed around the girl EF. It would appear that a blow from the baton aimed at Clevens accidentally struck EF. Both EF and Clevens concur with this proposition, EF stating that the officer did not realise that she had been struck. JJ identified Pemberton as the officer responsible. Constable Pemberton, who denied the assault, was wearing his uniform that night and claims that he did not use a baton at any stage.

**The Commission is unable to identify the officer concerned and thereby clarify the circumstances of the pursuit. As a consequence the Commission is unable to say whether or not the use of the baton in the circumstances was inappropriate. The Commission finds however that the blow sustained by EF was accidental.**

**(x) Complaint of Robert Bruce Swan**

Swan stated that he was drunk at the time of the alleged assaults on him by police outside the Wandarra Centre and was unable to identify his assailants. He admits going to Coghill's assistance and to becoming voluntarily embroiled in the melee with police. No other corroborative evidence has emerged.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

**(xi) Complaint of Rodney Rex Currie**

Currie could not identify the plain clothes officer concerned in the alleged assault. Beryl Smith, who witnessed this incident, also failed to identify the police officer concerned. Currie has medical evidence of a back injury which is consistent with his complaint, however there is no evidence to establish the identity of the person(s) involved. Currie was charged with resisting arrest and entered a plea of guilty.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

**(xii) Complaint of Norman Arthur MacDonald**

MacDonald was arrested for drunkenness at the Wandarrah Centre. He complained that he was struck by a police officer with a baton outside the Centre but was unable to identify the police officer responsible.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

**Conclusions**

Upon examination of these complaints it was necessary first to determine whether any assault did take place and then secondly, to consider whether any such assault was lawful or unlawful in the circumstances. In interviews with police, admissions were made that persons were struck with batons outside the Community Centre in self-defence. Anecdotal evidence from the black community suggests that some officers used batons in the dispersal of the crowd and/or to effect arrests.

The evidence establishes that the attempt by the police first at the scene to arrest Coghill proved the catalyst for the eruption of the ensuing violence and property damage. Having driven off the police, a stalemate followed during which there were no further direct physical attacks on police, although objects continued to be thrown and the crowd remained vocal. The stalemate was broken by the arrival of Inspector Firman and his command to police to advance and disperse the crowd.

A number of the complaints arose as a consequence of the use of force during the making of arrests. The Commission was not able to substantiate such allegations although it concedes that it is possible that during the dispersal some police may have misused their power or not taken due care to moderate the force they used. Several police admit to using batons in self defence during the altercation with Coghill and the subsequent withdrawal from the scene. At that stage the situation was apparently one of chaos, fear and confusion. Any person, black or white, in the vicinity at the time would have been at risk of suffering some injury from one source or another.

The allegations regarding the indiscriminate use of batons by police during the disturbance are a matter of real concern to the Commission and, of course, to the Aboriginal community, particularly as there is evidence that two juveniles were struck by batons. For the purposes of this inquiry, the principal question to be determined in this regard is whether, in the circumstances, the use of batons was justified. It emerged on the evidence, however, that although allegations of the

indiscriminate use of batons by some individual officers were made, no firm corroborative evidence could be obtained. In particular, no police officer has admitted to striking, or been satisfactorily identified as having struck, the juveniles mentioned and it is therefore impossible to determine the full circumstances surrounding each incident.

The Commission notes that it must have been apparent to the officers present that there were women and children in the crowd and hence the use of force and in particular the use of weapons such as batons should have been approached with extreme circumspection. Any use should necessarily be tempered by moderation in recognition of the necessity to minimise the risk of injury to all involved, given that the women and children were intermingled with the persons being arrested. The fact that children sustained injuries inflamed feelings within the Aboriginal community and added to the perception that the police are dismissive of the safety and concerns of Aboriginal persons.

It would appear on the evidence, however, that no Aboriginal person suffered serious injury during the incident and that the general level of force used by police to make the arrests would appear to have been not unreasonable. Independent witnesses to the disturbance have attested to the restraint exercised by police during the incident and there is no independent evidence of any use of excessive force. There is evidence that some persons actively resisted arrest. Witnesses stated that they either saw or heard the bottles and sticks being thrown at police, Aboriginal persons fighting amongst themselves, obscene language being used, branches being broken from trees and persons urinating openly in public. Several police officers suffered injuries which required medical treatment and it appears that the injuries suffered by the police were on the whole more serious than those sustained by Aboriginal people during the riot.

From investigations carried out it was ascertained that Inspector Firman arrived at the scene at 12.57am, approximately 20 minutes after the first officers arrived. Up until that time the highest ranking officer at the scene was a Senior Constable.

There can be little criticism of Inspector Firman's behaviour under the circumstances. He attempted, with a senior member of the Aboriginal community, to persuade the crowd to leave, although he did not embark on lengthy negotiations. The evidence indicates that the crowd responded poorly to Firman's attempt at mediation and that he placed himself at considerable risk in approaching the crowd. He remained at the scene until 3.00am. He also delegated the next senior officer to oversee the processing of arrested persons at the Inala watchhouse.

Crowd control, particularly where alcohol is involved, inevitably presents particular problems for police. As this incident shows the exercise of the discretion by police officers under certain circumstances not to make arrests for every breach of the law observed, or to wait for a more opportune moment, should be important considerations impressed upon every officer during their training.

In summary, the Commission finds that there is insufficient evidence of any unlawful assaults or arrests by police officers which would justify the laying of criminal or disciplinary charges against any officer involved in the events at the Wandarrah Centre on 3 November 1990.

- **Is there evidence of unlawful assaults at the Inala watchhouse following arrests at the Wandarrah Centre on 3 November 1990**

**(i) - (iv) Complaint of Tyrone John Boyd**

Boyd alleged that he was kicked and punched by police as he was removed from the police van. He was unable to identify the person whom he alleged assaulted him. Elaine Queary travelled in the van with Boyd, but did not see him being kicked or punched. She did witness Boyd being grabbed by the hair when taken from the police van. The accounts given by Boyd of the alleged assaults are conflicting. The evidence of Swan is not consistent with the other accounts given.

Boyd was unable to identify the officer who abused him outside the Inala watchhouse on the morning of 3 November 1990. There is no corroborative evidence to support this allegation. He is unable to identify the officer(s) whom he alleges were responsible for the further assaults on him on 4 and 6 November 1990. There is no medical evidence of injury sustained by Boyd.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

**(v) Complaint of Charles Christopher Saunders**

There is no corroboration in relation to the allegation of assault on Saunders. He identified Constable Pemberton as committing the assault and Constable Angus as being present during it. He has not been shown photo identification boards as he



could not be located. There is no medical evidence available as he was not medically examined. Both Constables deny the allegation.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(vi) Complaint of CD**

There is conflicting evidence as to the identity of the person who allegedly committed the assaults on CD. While CD identified Constable Hunt as being the person who assaulted him, a witness Beryl Smith was unable to identify the assailants but stated it was neither Constable Hunt nor Constable Angus.

The witness Cynthia Flucker stated in her interview with Criminal Justice Commission officers that Angus and Pemberton assaulted CD with a baton, having apparently identified them from a photograph in the Sunday Sun newspaper. When shown the photo identification boards at a later date she did not identify either Angus or Pemberton as committing any assault but recognised both of them as being at the watchhouse that night. Norman Arthur MacDonald identified Constable Pemberton as being the person responsible for assaulting CD at the watchhouse door. CD said it was Hunt. AB said he witnessed this assault but could not identify the officer.

**Although there is evidence that assaults on CD occurred, the Commission finds that there is insufficient evidence of the circumstances of the assaults and insufficient identification evidence upon which to base charges against any person.**

**(vii) Complaint of Robert Bruce Swan**

Swan claimed that he was subjected to racial abuse and that the officer concerned offered to fight him whilst he was at the Inala watchhouse. Constable Geary was identified by Swan as the officer responsible. There is no other corroborative evidence to support this complaint.

Swan also alleged that he was assaulted at the Inala watchhouse on the morning of 3 November. He identified Constables Angus and Pemberton as the persons who assaulted him. There is no medical evidence of injury or any other corroborative evidence. Constable D'Hotman De Villiers, who arrested Swan, denied that any

such assault took place in his presence. Swan admitted to being drunk at the time. Geary, Angus and Pemberton deny the allegations.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(viii) Complaint of Matthew David Solomon**

Solomon alleged that he was assaulted at the Inala watchhouse counter. He was unable to identify the officer who assaulted him. The arresting officer, Senior Constable Jones, denied that any assault occurred on Solomon in his presence.

**Due to the insufficiencies in the evidence the Commission is unable to substantiate the complaint.**

- **Is there evidence of unlawful assaults at Inala watchhouse following arrests at the Skating Rink on 4 November 1990**

**(i) Complaint of AB**

AB's allegation that he was punched in the face by Angus is denied by Angus and McDonald (the latter being the watchhouse keeper). AB alleged that he had sustained an injury to his inside cheek and provided a medical certificate to this effect. There is no other corroborative evidence.

**Due to the conflicts in the evidence the Commission is unable to substantiate the complaint.**

**(ii)-(iv) Complaint of Robin Glendon Conlon**

Conlon complained of an assault in the vicinity of the exterior steel gate at the watchhouse. Neither AB nor KL, who were present at this time, provided evidence of this assault.

On the version of events provided by KL and Boyd, however, there is some evidence of an assault committed on Conlon by Constable Angus inside the watchhouse, prior to entering the charge room. KL and Boyd provide different

particulars as to the nature of the assault. Conlon does not allege that he was assaulted in this manner.

Conlon complained of an assault by Angus on him at the fingerprint counter. KL alleges that he saw Angus, who is known to him, punch Conlon several times to the back and/or side of the head. Conlon stated on one occasion that he was punched in the head and shoulder, on another, that he was punched in the chest. AB, who was present, stated that he did not hear or see anyone get struck by the police. Constable Angus denies the allegation. Police officers Murphy and McDonald stated that no assaults occurred in their presence.

Conlon also alleged that he was assaulted by a police officer wearing a balaclava in the Inala watchhouse. On or about 4 November 1990 Conlon was placed in an interview room by police officers, one of whom he identified as Constable Angus. There is a conflict with Boyd's evidence which was to the effect that Conlon was taken from the cell and placed in the interview room adjacent to the charge room by two (2) police officers, neither of whom was Constable Angus.

Conlon stated that shortly afterwards two (2) balaclava-clad officers entered the room and one punched him in the chest. He identified Constable Angus and believed the other officer to be Constable Pemberton. Although Boyd had previously provided a statement to the Aboriginal Legal Service which indicated that he had seen two police officers with balaclavas, he told the Commission that he at no time saw balaclavas being worn by police. He stated to the Commission that he did hear noises coming from the chargeroom and afterwards saw Conlon with an injury to his ear. Conlon attributes this injury to an earlier assault on him by Angus at the exterior steel gate. Boyd, who had been in custody since 3 November 1990, was sober. He stated that Angus did not remove Conlon from his cell and indicated that Angus had returned to the police station by the time Conlon was taken to the chargeroom.

Upon consideration of all the evidence, it is clear that Boyd and Conlon contradict each other as to the identity of the alleged assailants and the nature of the injury sustained. Medical evidence of an injury to the ear is available. Angus and Pemberton strenuously deny the allegations.

The Commission finds that due to the gross conflicts within the evidence and a paucity of evidence as to crucial elements of the offences, there is insufficient evidence upon which to recommend prosecutions for charges of common assault or other charges against any police officer in relation to the allegations. The Commission also finds that there is insufficient evidence to support

**disciplinary charges against any other police officer in relation to these allegations.**

### **Conclusions**

Allegations of assaults by police at any watchhouse are cause for grave concern. With regard to the present inquiry, the Commission is of the view that a number of people may have been the subject of unlawful assaults by police in the Inala watchhouse, however no charges can be laid as the gross inconsistencies and inadequacies in the evidence of witnesses on vital issues (such as the identification of assailants) would preclude any prosecution from succeeding. The standard of proof beyond reasonable doubt could not be met.

The fact that no criminal charges will arise out of the incidents at the watchhouse should not be seen as necessarily reflecting adversely on the complainants attempts to give an honest account. It must be acknowledged that some of the conflicts in testimonies arose as a result of the excessive consumption of alcohol.

The Commission has repeatedly expressed its concern about the number of alleged assaults by police on civilians and has pointed out the great difficulty in obtaining sufficient evidence for prosecution where the alleged victim is a defendant and where the only witnesses are police officers or other defendants.

Further, it seems that both police and Aboriginal persons share a tacit understanding that no complaint will be made to persons in authority and no police officer who witnesses maltreatment will disclose evidence of misconduct. The attitude of the Aboriginal community has no doubt arisen from the not unjustified belief, based upon the experience of the past, that nothing good will come of calling attention to the issue. The attitude of police witnesses is explicable in terms of the "police club" phenomena commented on by Commissioner Fitzgerald in his Report of the Commission of Inquiry. Of particular concern is the fact that it appears that assaults may have occurred long after the heat of the initial confrontation had passed.

The allegations of violence of this type is uniquely destructive to the long process of building trust and a working partnership between police and members of the Aboriginal community. The impact will result in fewer reports of such incidents, weaken crime prevention programs and lead to a reduction in conviction rates for serious offences. The misuse of police power evokes both anxiety and an expectation of future wrongdoing amongst those sections of the community who feel they are being targeted. The lack of co-operation which flows through the

community and which was demonstrated in this matter, clearly contributes to the inability of police to solve crime and thereby escalates the hostility between the two groups. Such uneasy and volatile community relationships only serve to heighten the potential danger for both police and Aborigines in their day to day relations.

In making its findings, the Commission is not to be taken as certifying that the allegations were necessarily untrue or by corollary, that each and every version of events provided by police was accepted. There is evidence that assaults did occur in many instances; it is not possible to ascertain, given the absence of identification evidence and the contradictory nature of available identification or other evidence whether these assaults were unlawful under the circumstances, and if unlawful who was responsible. It should also be said that the Commission is acutely aware of the stresses of the situation which confronted the young Constables who were the first police to arrive at the scene.

## CHAPTER 10

### THE ADEQUACY OF THE WATCHHOUSE

The Inala watchhouse is not of sufficient proportions to process and hold a large number of arrested persons, as evidenced by the time it took to process prisoners in the present matter. Due to inadequate space at the counter area the number of persons who can adequately be processed at any one time is limited to two (2) or three (3). As the watchhouse facilities are sub-standard, the preferable course would have been to take the persons detained to a watchhouse with suitable facilities, such as the City watchhouse.

The Commission understands that there have been repeated calls from within the Queensland Police Service for a new watchhouse to be constructed at Inala, to no avail. Both the City Police Station and the Holland Park Police Station have larger watchhouse facilities, with the City Police Station having permanent watchhouse staff. Such staff would not have been involved in the incident and therefore less likely to seek retribution.

#### Was there sufficient security at the Inala Watchhouse?

A Sergeant First Class, Melvyn Symes, was delegated the task of supervising the processing of prisoners by Inspector Firman. Symes stated that he positioned himself near the counter to oversee the watchhouse activities but took no part in the processing of prisoners other than to supervise. Symes stayed within the watchhouse for most of the relevant period, leaving only to get water for prisoners and, at a later stage, to see Inspector Firman in the day room of the police station. He remained within hearing distance of the watchhouse at all times and did not see any prisoners with injuries. He stated that no injuries were reported to him and that he did not see police unlawfully assault any prisoner. No complaints were made to him by prisoners regarding the conduct of any police officers.

The procedure followed was that upon arrival at the watchhouse, male prisoners were asked to provide personal particulars, then searched and placed into the holding area. They were charged at a later time at the counter. Female prisoners were placed in a separate cell. Upon his departing the watchhouse at about 5.00am some prisoners had not been processed, although Symes described the scene as "quiet".

The watchhouse keeper on the shift of 4 November 1990 when AB, KL and Conlon were brought in, Senior Constable Kevin McDonald, stated that no assaults

occurred in his presence and that no complaints by prisoners were recorded in the "Prisoners Check Book". No Aboriginal prisoner made a complaint to him regarding maltreatment. McDonald stated, however, that police officers could access the watchhouse without his knowledge.

A factor which appears to underpin many of the complaints is that officers who had been involved in a violent confrontation continued to be in charge of prisoners, many of whom were drunk, for a considerable time after the incident. The number of allegations of assault which arose from this situation was sadly foreseeable and perhaps almost inevitable, given the tension and ill-feeling which had by then surfaced. Further, officers who had been involved in the confrontation were apparently allowed unhindered and unsupervised access to Aboriginal prisoners over a period of days. Such practice demonstrates an apparent laxity in ensuring the safety and security of prisoners. Given the emotions which may be expected to have been generated by the circumstances of the arrests there was an obvious need for a commissioned officer and representatives of the Aboriginal community to be present during contact between arresting officers and their charges.

The appropriate procedure to be followed upon charging and detaining in custody Aboriginal persons who are affected by alcohol was dealt with in detail in the Report of the Royal Commission into Aboriginal Deaths in Custody, where the peculiar risks to the lives of Aboriginal detainees were clearly demonstrated. In this case the recommendations of Commissioner Johnston apparently were not followed.

**Did police have the required knowledge and skill to respond appropriately to the situation at the Wandarrah Centre?**

The first police to arrive on the scene were young white males of junior rank. They moved about the crowd and did the best they could to persuade people to move on. They attempted to arrest a member of a crowd comprised predominantly of Aboriginal persons affected by alcohol, which included women and children, some of whom had gathered to watch a fight. It appears that by this one action a noisy but limited disturbance was converted into a large and violent melee.

The Commission appreciates the extreme difficulties faced by police in such dangerous situations. The junior officers would have received minimal training in riot control and no specific training in dealing with racially sensitive situations. The issue of the adequacy of police training in crowd control and Aboriginal issues is dealt with later in this report.

By the time Inspector Firman arrived approximately 150 Aboriginal people were on the street, police officers had been injured and two (2) police vehicles had sustained over \$1,000 worth of damage. The situation was, however, at a stalemate with no overt violence. He appraised the situation, sought out those persons who appeared to be in charge of the function, and with a member of the Aboriginal community briefly tried to negotiate with the crowd to persuade them to disperse. In so doing he placed himself in a potentially dangerous situation. When this strategy failed he directed police officers to move in and clear the street. Given the actions of the crowd, the threatening situation in which the junior officers had been placed and the concomitant late-night disturbance in a residential area, the response of Inspector Firman should not be criticised.

The proper exercise of police discretion requires a mature outlook and preferably, in cases like this, the firm direction and advice of experienced officers. The majority of police who attended the incident were relatively young and inexperienced and a commissioned officer did not arrive at the scene until the incident had escalated to a point where his attempts at mediation were unsuccessful.

To achieve a resolution of such situations without escalating the level of violence requires specialist knowledge, skills and experience. Training in intervention and mediation techniques is essential. Such specialist training is not presently available to junior officers. All officers should be given the opportunity to develop these skills. The development of special guidelines to assist junior officers would also be beneficial.



## CHAPTER 11

### TOWARDS A LASTING TRUCE

The investigation detailed in this report has concluded that the specific allegations of misconduct against the police officers involved in the incident which occurred outside the Wandarrah Centre on 3 November 1990 were, in the main, not substantiated. This, however, does not mean that the Commission is necessarily of the view that there are no better ways of handling such a situation and that changes to policing practices and/or policies could not reduce the likelihood of such a dangerous and terrifying situation developing again, or better equip those involved to diffuse a similar situation.

Clearly the behaviour of some persons involved in the incident posed a grave risk of serious immediate injury to themselves and others, including bystanders. Some property damage was caused and more threatened. Junior police officers acting in accordance with their best judgment were seriously outnumbered, assaulted, overwhelmed and forced to retreat. The crowd was subsequently disbursed with the use of batons and sundry injuries were sustained, including injuries to children. Fortunately none of the injuries was serious. Perhaps more harmful, however, was the damage done to the already precarious state of relations between the Aborigines who live at Inala and the officers who police the area.

Confrontations similar to the one outside the Wandarrah Centre erupt all too frequently around Australia. No reasonable person would wish to see such incidents continue to occur. As previously mentioned, it is the statutory duty of this Commission<sup>9</sup> to report on proposals relating to the enforcement and administration of criminal justice and to give policy directives to the Commissioner of the Police Service with respect to law enforcement priorities, the training of police officers and methods of police operation. The recommendations set forth in this report are aimed at achieving a permanent cessation of hostilities, and a rapprochement between the Police Service and the Aboriginal Community.

There is no doubt that the question of police/Aboriginal relations poses complex problems. In order to approach these problems, the Commission believes that the following essential elements must be addressed -

- An understanding by police officers across the ranks of the cause of the resentment Aborigines feel towards police. Whilst many

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<sup>9</sup>

Criminal Justice Act, Section 2.15(c)(h)

police officers will not have met an Aboriginal person prior to joining the Police Service, all Aborigines can recite stories of police maltreatment of them, their relations or other members of the community;

- An understanding by police officers across the ranks of the distinct and unique problems experienced by Aborigines living in an urban environment and the recognition that these problems are quite different to those experienced by other minority groups;
- An understanding by urban Aborigines of the problems that their lifestyles and social behaviour can produce for effective policing;
- The creation and monitoring of open and trusted channels of communication between urban Aborigines and police officers.

Improvement in the ongoing process of consultation as between the local Aboriginal community and police and the development of Aboriginal cultural awareness amongst police may reduce the likelihood of violence such as that which occurred outside the Wandarrah Centre and afterwards in the watchhouse. Further, specialist training of police in crowd control methods that work to defuse volatile situations and improved custodial practices and procedures designed to minimise opportunities for further violence between a detaining officer and his or her prisoners would in the view of the Commission go a considerable way towards improving the state of present relations.

### **The Significance of Aboriginality**

It must be accepted that this was a racial incident in so far as most of the people who attended the dance were Aborigines and all of the police officers involved were Caucasian. Those who complained to the Criminal Justice Commission were of the view that the police over-reacted and used excessive force against the crowd because it was comprised predominantly of Aboriginal persons. The police involved maintain that the use of force in the incident was not excessive and that many of the actions taken were in self defence, a view which is borne out on much of the objective evidence. It is the view of the Commission however that a failure to address the question of the significance or otherwise of this aspect of the incident, or to analyse the events solely along breach of the peace/public order lines will result in the loss of an opportunity to make a contribution to the positive improvement of race relations at Inala and hopefully in the community in general.

It was concluded by Commissioner Johnston in the Report of the Royal Commission into Aboriginal Deaths in Custody that when seeking to understand Aboriginal issues it is essential that the inquiry is premised on an acceptance of Aborigines as a distinct and separate people living as a minority amongst a foreign dominant culture. This concept contains no implicit criticism of the dominant Western European culture, it simply provides an accurate focus to appropriate analysis.

### The Legacy of History

Since the first settlement at Port Jackson in 1788, Aboriginal persons have suffered hideously as a result of white occupation. During the early days countless numbers were murdered or perished as a consequence of diseases brought from far-off lands. Countless more were dispossessed, their tribes broken up, their lands and children taken from them. During the frontier stage of race relations in Australia, harsh European criminal sanctions were often inequitably imposed by the police of the day. The effect of the historical legacy upon today's police service was commented upon by Commissioner Johnston in Volume 2 of the Report:

*"It is not surprising that police inherited and embodied in their own developing culture attitudes which regarded Aboriginal men as enemies to be subdued and accorded scant respect to Aboriginal women."*<sup>10</sup>

Many Australians feel an immense guilt about the way Europeans have dealt with Aborigines since white settlement. Aboriginal persons have certainly not forgotten the treatment received at white hands and many are not yet able to forgive. Much still needs to be done to restore dignity to the Aboriginal person within Australian society.

Hostility towards police is widely shared amongst Aboriginal communities throughout Australia. It is axiomatic that unresolved areas of conflict make a harmonious relationship between Aborigines and police difficult to achieve. Great harm is done, however, by the tendency on both sides to negatively stereotype each other as a consequence both of historical turmoil and of present antagonisms. The problems can only begin to be addressed through education and the opening of effective channels of communication which may lead each group to consider the other's point of view.

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<sup>10</sup>

Report of the Royal Commission into Aboriginal Deaths in Custody, Volume 2, page 204, paragraph 13.3.2

## CHAPTER 12

### **BUILDING A POSITIVE RELATIONSHIP WITH MINORITY GROUPS - THE UNIQUE DEMANDS ON POLICE**

It was acknowledged in the report of Commissioner Johnston that the challenge for Police Departments today in Australia is to accept that there is a basis for Aboriginal resentment and suspicion about police conduct and to consider the Aboriginal perspective when devising appropriate police strategies.<sup>11</sup> Many police officers, upon joining the service, will have had no contact with Aboriginal people. Some may bring with them preconceived views about Aboriginal people which are not necessarily positive. Such negative stereotyping will often be reinforced by dealings the young officers have with some Aboriginal people.

Police in Queensland have received scant training in Aboriginal issues, an unfortunate fact which is now beginning to be redressed by the Queensland Police Service. There is no doubt that a good relationship with the local Aboriginal population would make the job of the police officers stationed in Inala less difficult.

The Commission is confident that all of the officers who were involved in the Wandarrah Centre incident would have wished it had not occurred. In contrast to the view of the Aboriginal community that the police response was racially motivated, the police officers concerned would no doubt insist that their response would have been the same regardless of the colour of the skin of the protagonists. Police were in fact called by one of the function organisers, herself a member of the Aboriginal community, in addition to other persons who resided in the vicinity who were disturbed by the noise and other activities. There was no question that the group was disorderly, that offensive language was being used and that confrontations between patrons were escalating in addition to other minor public order offences. Upon first arriving on the scene the police tried to move amongst the crowd requesting that people return to the Centre or go home. They did not become actively involved in any of the fights that were breaking out around them; instead, they asked other persons present who were members of the Aboriginal community to intercede. Following an attempt at what should have been a relatively straight forward arrest, the young officers quickly found themselves at the centre of a maelstrom that they were ill-equipped to handle.

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<sup>11</sup>

Ibid, Volume 2, page 197 paragraph 13.2.11.

## **CHAPTER 13**

### **PROACTIVE COMMUNITY POLICING INITIATIVES - INALA**

#### **The Project**

Following the riot outside the Wandarrah Centre and subsequent events, the Research and Co-ordination Division of the Criminal Justice Commission was asked by the Queensland Police Service to develop a proactive community policing initiative for Inala in the recognition that should the present tensions between Aboriginal people and police there be allowed to proceed unchecked, a very real danger exists that the Inala area will become a "no go" area for police and others, similar to Redfern in New South Wales. The Wandarrah incident was sufficiently significant to arouse concern at several levels of government administration and within the community itself. As a consequence, in the context of a proactive community policing approach, the brief was quite explicit, viz: the CJC should develop a plan that will prevent the Inala area from becoming another Redfern.

The objectives of the research project are to identify the factors or combination of factors that contribute to the situation and to develop a plan of action aimed at reducing racial tensions, reducing the crime rate (particularly the juvenile crime rate) and thereby improving the quality of life of residents.

The project, which has commenced, involves assessing the current socio-economic status of the area; determining the nature and extent of existing government and non-government programs and the levels of integration between them; conducting a social needs assessment of the population and evaluating the relevance of existing programs in meeting the needs of the people; and targeting areas of specific need that require attention. Naturally for a project of this nature to be successful, a significant input from concerned citizens is required. Emphasis has been given to liaison work with all sections of the local community in an endeavour to motivate community members to become involved in the planning process.

#### **Administration of Project**

The project is being administered by the Research and Co-ordination Division under the auspices of the University of Queensland. Members of the Metropolitan South Regional Project Team of the Queensland Police Service provide at least one member for participation in the project every Friday. Two part-time post graduate research assistants from the University of Queensland have also been employed by

the Criminal Justice Commission for ten hours each week. One research officer from the Criminal Justice Commission is overseeing and supervising the project.

### **Preliminary Assessment - Inala Area**

Demographic information based upon the 1986 Census (ABS) indicates that the percentage representation of Aborigines and Torres Strait Islanders living in the Inala area is 6.48. Their percentage representation in Queensland is 2.4, and in Brisbane is 0.9. This representation must be viewed in the context of other demographic indicators. The following is a sample of figures supplied for the Inala area (the figures in brackets represent the figure for the Brisbane area):

- 28.9% (19.3%) of the population is aged under 15 years
- 21.7% (8.9%) are unemployed
- 80.9% (65.6%) have no qualifications (persons aged 15+)
- 26.1% (18.9%) of residents were born overseas
- 14.8% (5.4%) of the families are single parent families
- 33% (23.8%) of males and 35.2% (26.1%) of females left school under the age of 15 years
- average estimated annual household income of \$19,600 (\$24,700).

Upon consideration of all the indicators it can be confidently deduced that the area has a greater-than-average potential for social problems.

Preliminary research on the part of the Commission has revealed that residents have identified a number of issues as being of particular concern to them. They include:

- High crime rate, particularly of juvenile offenders. In the period 1 July 1990 to 30 June 1991 police report that a total of 9022 offences were dealt with in the Inala Magistrates Court. The Juvenile Aid Bureau reported that police had dealings with 1315 juveniles in the same period and estimate that they represent some 65-70% of all offenders in the area (this estimate is not based on

valid data). Many residents described themselves as living in a state of "siege" from marauding hordes of juveniles.

- Poor public transport. The Brisbane City Council has only recently commenced operating a bus service to the area.
- The Aboriginal "problem". This is usually defined by residents in terms of social gatherings of adult Aboriginal males getting out of hand when alcohol is consumed in excess. Residents reported that some of the drinkers became quite belligerent and aggressive towards them and as a consequence, neighbourhood disputes frequently erupt. This problem is also perceived as extending to gangs of youths roaming the streets and committing criminal offences such as breaking and entering of dwellings on a regular basis.
- The Vietnamese "problem". It appears that gangs of juvenile Aborigines and Vietnamese regularly fight with each other, especially in the vicinity of the Inala Community Centre. The close knit nature of the Vietnamese community and its tendency not to mix with other cultural groups is perceived to exacerbate the problem.
- Other community problems identified by the residents were the lack of facilities in the area, including a lack of recreational venues for adolescents; truancy, which contributes to the high juvenile crime rate; high unemployment, particularly youth unemployment; the poor quality of Housing Commission housing and the policy for placement of tenants by the Commission; the social impact of the urban design of the area; and the "band-aid" nature of welfare programs delivered by both government and non-government agencies which fail to identify and address root causes of problems.

### **The Challenge for Police**

The burgeoning crime rate at Inala is a manifestation of the broader social problems experienced in the area and presents considerable problems for effective policing. The Commission recognises that any attempt to introduce proactive community policing into an area where only limited reactive policing is presently seen as a viable reality will be fraught with difficulties unless the legitimate concerns of police and other members of the community are first addressed. Some

police have already been interviewed in the course of the research project and discussed with researchers their experience of the nature and extent of crime in the area. The major grievance by police was the perceived lack of equity between themselves and members of the public, viz: some indicated that they were reluctant to arrest Aboriginal persons because they feared that they would be accused of police harassment or brutality; the inherent conflict for police in this situation being that they are also aware of the wide range of potential negative repercussions if police fail to arrest those who are breaking the law. The anecdotal evidence also indicates that many police officers perceive the Criminal Justice Commission as having the sole function of persecuting them.

Present police initiatives towards improving the relations between members of the Aboriginal community and police in the Inala area include a monthly liaison meeting, youth awareness camps, returning truant children to nominated responsible persons within the community and periodic Blue Light discos. These discos aim to provide wholesome entertainment for young people, free from drugs, liquor and violence, as an alternative to roaming the streets or seeking entertainment in hotels. A positive by-product is that they also help develop a rapport between police and young people in the community and thereby act as a crime prevention initiative.

Commission researchers have been approached by the Mounted Police Division of the Queensland Police Service, stationed at Oxley. These officers have indicated that they are willing to take small groups of "at risk" juveniles for weekend trail riding camps. Funding is yet to be obtained for this project.

The Commission is aware that Aboriginal and Islander community workers have been meeting regularly with police in the Inala area with a view to improving relations between the two groups. In order to raise the level of understanding of Aboriginal and Islander culture amongst police recruits, members of the Aboriginal and Islander Cultural Studies Centre at Inala hosted a Cultural Awareness Day for 50 police recruits from the Queensland Police Academy on 25 October 1991.

Police recruits, staff of the Queensland Police Academy and officers from Oxley Police Station were treated to an informative presentation of activities and speakers which included talks by tribal elders and other guest speakers, exploring the rock paintings and other items at the Aboriginal and Islander Cultural Studies Centre, a performance by the Munnunjabi Dancers and boomerang throwing. Police participants were also given the opportunity to mix informally with Aboriginal and Islander youths in addition to the other community members present on the day.



This initiative was viewed by staff at the Queensland Police Academy as a creative and relevant way for recruits to learn about and gain further respect for Aboriginal and Islander culture and values, and was well received by the participants. A tree planting ceremony was held to signify the new growth and further understanding by the recruits of Aboriginal and Islander culture and values.

### **Queensland Police Service Community Policing Initiatives**

The Queensland Police Service has recently developed a general strategy for multi-cultural policing in Queensland. A copy of this document appears at Appendix E.

The strategy provides:

*"One of the major changes being implemented in the Queensland Police Service is the introduction of Community Policing. As the predominant policing philosophy it has significant implications, not only for what police do, but how they do it."*<sup>12</sup>

Community Policing is defined, for the purposes of the Queensland Police Service, as:

*"An approach to police work which recognises and fosters a partnership between the Service and the Community. It involves police and the community working together to identify and solve policing problems."*<sup>13</sup>

The strategy emphasises that such a philosophy does not deny the importance of police being able to respond to requests for help but does require the Police Service to look outwards and gain a better understanding of the culturally diverse community it serves. In recognition of the particular historical, cultural and language dimensions of policing Aboriginal, Torres Strait Islander and ethnic minority groups, a strategic plan for providing policing services in a multi-cultural environment was considered necessary within which to address the complex issues in a practical and equitable manner.<sup>14</sup> The Commission endorses the strategies

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<sup>12</sup> Multi-cultural Policing in Queensland, p. 1.

<sup>13</sup> Ibid, p. 1.

<sup>14</sup> Ibid, p. 1.

outlined and applauds the Queensland Police Service for this initiative. It is hoped that the appropriate level of community support and necessary resources will be found to enable the project to be successfully implemented.

## **Conclusion**

In broad terms, the desired outcome of the research project and the implementation of any strategy for Multi-Cultural Policing in Queensland would be to ameliorate the racial tensions within Inala and necessarily other areas and reduce the crime rate generally, particularly in relation to juveniles. Clearly the most valuable resource that any social planning exercise can have is the interest and participation of the subject community. The rationale of proactive community policing is to ensure citizen participation in crime prevention and the restoration of some control to community members to enable them to have positive input into local issues in co-operation with the police.

## **The Benefits of Community Policing**

The Queensland Police Service has a commitment to community policing. In Inala such a policy cannot be effectively implemented without the full co-operation of the Aboriginal people residing there. Problems encountered in everyday policing at Inala would almost certainly be improved by frequent voluntary contact between the community being policed and the officers employed to do the job. When a community embraces a significant minority group, such as the community at Inala, and this group is of a different race to the police officers assigned to the area such contact is essential if the police resources are to be effectively utilised. By virtue of the demographics of the area, the police establishment at Inala will necessarily be called upon to interact on a frequent basis with Aboriginal persons.

As was proved by the Inala incident, isolated and reactive policing in the main, does not work. Community expectations can best be understood and met upon a greater commitment being made to community policing which is "proactive, preventive in concept, and rooted in the public desire and willingness to work with police to improve the quality of neighbourhood life".<sup>15</sup> As part of a survey commissioned by the Criminal Justice Commission of community attitudes towards

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<sup>15</sup> The Report of the Race Relations and Policing Task Force [Canada]: Executive Summary, p. 12

police in Queensland<sup>16</sup>, members of the Aboriginal community were asked to nominate the services they expected to be provided by police. The firstmentioned major expectations of police held by Aborigines were very similar to those of the general public, viz: "law and order"(31%), "protection of people" (27%) and "keep the peace" (24%)<sup>17</sup>. Strong agreement was also expressed by Aboriginal communities that they should work more with police in the prevention of crime.<sup>18</sup>

The Canadian Task Force into Race Relations and Policing observed<sup>19</sup> that we live in a pluralistic society and for all people, regardless of background, coping with diversity is a learned skill and the police, as servants of the public, are not exempted from this challenge. The Task Force further observed at page 4 that vital police functions were often fulfilled in circumstances which were difficult and charged with emotion. The issue was not that police were worse than the rest of us, but that what is worst in all of us is capable of being revealed with serious consequences when tested in a policing circumstance.

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<sup>16</sup> Report on Attitudes Toward Queensland Police Service: Aboriginal Communities, p. 16

<sup>17</sup> Ibid, p. 25

<sup>18</sup> Ibid, p. 25

<sup>19</sup> The Report of the Race Relations and Policing Task Force [Canada]: Executive Summary, p. 12

## CHAPTER 14

### POLICE TRAINING

Mr Fitzgerald QC in his recommendations following the Commission of Inquiry in Queensland recommended significant reforms to the Queensland Police Service, one of which was the introduction of community policing programs. Mr Fitzgerald commented:

*"For community policing to be successful, special measures will be needed to ensure these groups are involved in community programs. In areas with high concentrations of specific ethnic groups and in Aboriginal communities, recruitment of Police Department staff with language and cultural skills, who can gain the acceptance and co-operation of these groups, will be essential to the successful introduction of community policing programs".<sup>20</sup>*

The Royal Commission into Aboriginal Deaths in Custody made similar recommendations for reform in the area of police and Aboriginal relations. Recommendations of particular relevance to the subject of the present inquiry are reproduced in full at Appendix F.

#### Race Relations Training

As previously mentioned strategies are being developed by the Queensland Police Service for effective policing of Aboriginal and Torres Strait Islander and other ethnic minority groups in Queensland and an Aboriginal Communities police training program is being developed. A pilot training program for first year Constables at the Cherbourg Aboriginal community has already been implemented to assist in improving the relationship between police and Aboriginal people.

Under the direction of the Projects Officer for the North Coast region, an Inspector of the Queensland Police Service, groups of four first year Constables train at Cherbourg for a period of four weeks. During this time the Constables interact particularly with school children and members of the Aboriginal community police and hopefully gain a better understanding and appreciation of Aboriginal people and their way of life. The program also gives Aboriginal people the opportunity to interact with police in a non-confrontational setting. The Projects Officer has also

sought the attendance of recruitment officers from the Queensland Police Service at the Cherbourg State School to discuss policing as a career option for Aboriginal children. Consultants have been hired to evaluate the success of the project, funding for which is for a duration of twelve months only.

An Aboriginal and Torres Strait Islander and Ethnic Liaison Section has been established within the Community Policing and Support Branch of the Queensland Police Service. There are 12 police Liaison Officers stationed throughout Queensland. The State Co-ordinator of the Section is responsible for the establishment and co-ordination of liaison between the Police Service and various community groups for the entire State. He is to assist in the preparation of an Aboriginal Issues course to be taught at the Police Academy.

Mr Fitzgerald QC also recommended that reform be instituted in the training process undertaken by police recruits so as to ensure that they gain an appropriate level of understanding of the social, psychological and legal issues intrinsic in their chosen career.<sup>21</sup> As a consequence of the recommendation a new training program for police officers was implemented in February 1991. The curriculum was developed under the supervision of the Police Education Advisory Council, which is chaired by Professor Paige Porter of the University of Queensland. Police recruits now begin their studies at either Griffith University or Queensland University of Technology for one semester, and in the second semester follow a course of study at the Queensland Police Academy at Oxley. The curriculum includes such areas as Australian Studies and Personal and Interpersonal Relationships in Policing. Specific reference to Aboriginal cultural issues is made in coursework and a full-time Aboriginal lecturer is on staff at the Academy. The Aboriginal Issues course is to be integrated into the existing coursework. The success of this new training program is yet to be evaluated.

### **Recruitment of Aboriginal Persons to the Queensland Police Service**

There is no specific requirement that a proportion of new recruits must be of Aboriginal descent although, as a general policy, the Service looks favourably at Aboriginal applicants, both male and female. A bridging course is available at TAFE college level at one northern institution to assist Aboriginal people to attain suitable tertiary entrance qualifications, such qualifications now being essential to gain entry into the Queensland Police Service.

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<sup>21</sup>

Ibid, p. 250

### **Mediation and Crowd Control Training**

New recruits are now required, as part of their training, to undertake studies in public safety and disturbance remediation. The training offered at the Academy is specifically directed to prepare the recruit to deal with conflict resolution and offers practical instruction in control techniques and crowd dispersal. Issues such as defensive skills for police and tactical procedures and emergency response to crises are also covered.

A retraining program for all other officers in crowd control procedure is presently being devised and is expected to be in place by January 1993. The program is designed to ensure that all Constables have basic instruction in crowd control measures such as appropriate directions to be given etc. Police at Senior Constable and Sergeant level will receive more specialised instruction in appropriate tactical and strategic responses and it is now the policy of the Queensland Police Service that a Duty Inspector attend the scene of major incidents.

## CHAPTER 15

### RECOMMENDATIONS

Arising out of its inquiry, the Commission makes the recommendations which follow. Explanatory notes under various headings have also been included.

The Commission recommends that:

- The Aboriginal and Torres Strait Islander and Ethnic Liaison Section within the Queensland Police Service should be increased in size. Staff should ideally be comprised of at least some police officers who are from indigenous and/or ethnic communities themselves and who would be specifically trained to deal with and give advice regarding incidents such as that which occurred outside the Wandarrah Centre. In addition to emergency response work, the Unit would specialise in liaison work and the development of contacts within specific minority groups within the community. It should contain some civilian recruits or consultants, in addition to police.
- A network of trusted representatives of the various indigenous and ethnic communities should be established so that these representatives could be called upon where necessary to assist in defusing potentially dangerous situations involving members of minority groups. Significant care should be taken to ensure that these representatives are not merely persons selected by police. They must be people who are capable of acting as negotiators and who are known and trusted by the communities that they represent.
- Junior officers should be instructed not to become actively involved in incidents such as that which occurred outside the Wandarrah Centre unless and until an Inspector is in attendance and directing the operation except where immediate intervention is necessary to prevent serious injury or other serious crime.
- A protocol or agreement should be reached between the Aboriginal community and police regarding the conduct of future functions at the Wandarrah Centre or elsewhere in the area. The protocol should cover, inter alia, the procedure and policies to be adopted and adhered to by both groups. The suitability of the Wandarrah Centre for the holding of social functions should be reviewed as a matter of urgency.

- Continuing regular liaison between police and the Aboriginal community and other minority groups should be promoted. The Commission is aware that the Inala Police Liaison Committee meets regularly at the Wandarra Centre. These meetings are attended by the District Officer, the Officer in Charge of the Inala Station, a varying number of uniformed officers, Juvenile Aid Bureau detectives and members of the Aboriginal community.
- All Queensland Police should receive appropriate training or re-training to ensure that they have a working understanding and appreciation of Aboriginal history, culture and social behaviour and the ability to relate in a positive way to Aboriginal people.<sup>22</sup>
- The Queensland Police Service should continue to work to ensure that all officers receive sufficient training or retraining in mediation and crowd control skills. Guidelines for officers of all ranks who may be required to attend such incidents in future should be established.
- It is recommended that procedures be put in place to ensure that whenever a large number of persons is arrested in the Inala area these persons are, where possible, conveyed to the City or Holland Park watchhouses in preference to the Inala watchhouse, so as to ensure that the prisoners can be adequately controlled and supervised.

### **The Establishment of a Protocol**

The following issues should be discussed and included in any protocol reached between the Aboriginal community and the Inala Police:

- enforcement of the conditions of the liquor license;
- security arrangements;
- the procedures and policies to be adopted and adhered to by both patrons and police; and
- any other matters of concern to either group.

The Police District Liaison Officer should be advised of the impending function. The Liaison Officer should be responsible for informing operational police in the

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<sup>22</sup>

Adopted from the Royal Commission into Aboriginal Deaths in Custody National Report Volume 4, p. 137 (recommendation of Commissioner Muirhead)



area, be rostered on duty on the night in question and perform regular visits to the function, and keep the Duty Inspector informed as to how the evening is progressing. The presence of the Liaison Officer would provide a known and ready contact between the police and organisers.

More experienced officers could be rostered to perform duty in the immediate vicinity on that particular night. The numbers and training of the security officers for the function should also be seriously examined.

A survey by this Commission disclosed strong agreement by Aborigines that they should be increasingly involved with police in the prevention of crime. In the interests of community co-operation, consideration could be given by both police and Aboriginal groups to allowing experienced officers to perform general security functions. Arrangements might also be made to ensure Aboriginal Legal Aid officers attend the function in an official capacity.

#### **The Suitability of the Wandarrah Centre as a Venue**

The suitability of the Wandarrah Centre as a venue for large fund-raising functions must be urgently reviewed. The venue is too small for a function of the size and nature of that held at the Wandarrah Centre on the night in question. It was indicated on the liquor license application that about 100 persons would be attending. In fact it would appear that closer to 200 persons attended, a number far in excess of that catered for. The Centre is located in a residential area and complaints regarding excessive noise and inappropriate behaviour by persons attending functions are frequently received. These complaints have not been adequately addressed in the past and require immediate attention.

The need for improved security at such functions was demonstrated by the incident. If better controlled and supervised by organisers the likelihood of police being required to attend the function would be reduced. The evidence clearly indicates that numerous offences were committed against the provisions of the Liquor Act on the night in question.

Entry to the function and/or the continued provision of liquor to those intoxicated should be discouraged. Controls should be exercised over liquor being brought into the Centre.

The liquor license for 2 November 1990 was from 9.00pm to 2.00am. Consideration should be given to commencing and finishing the function earlier.

Consideration could also be given to whether liquor should be sold in either cans and/or plastic containers.

### **Guidelines for Police Attending the Scene of Future Volatile Incidents**

In consultation with the Aboriginal and Torres Strait Islander and Ethnic Liaison Section, the District Officers and District Education Training Officers should establish guidelines for police officers required to attend similar volatile situations. These guidelines should cover the appropriate use of force and weapons such as batons where there are risks to women and children and/or possibly non-involved bystanders and be in accordance with any protocol agreed with the Aboriginal community. All officers should receive appropriate training in intervention and mediation.

### **Police Training**

Officers whose performance indicates that they have difficulty addressing race relations issues should be removed from districts where minority groups are concentrated and be required to attend a remedial course and undergo continuing formal monitoring in the course of their duties.

Officers serving in communities with a high concentration of minority people, particularly Aboriginal people, should receive special instruction and training. Hopefully, with insight having been gained from such incidents, appropriate intervention strategies may be devised to reduce the risk engendered by racial conflicts to all members of the community.

### **Inala Watchhouse**

The Inala watchhouse is sub-standard and due for replacement. In the interim, whenever large numbers of persons are arrested procedures should be put in place to convey these prisoners to the City or Holland Park watchhouses where the prisoners may more adequately be controlled and supervised. Where necessary, a second commissioned officer should be made available to perform supervision duties at the watchhouse.

Consideration should also be given to allowing approved and accredited Aboriginal field officers and others who represent the Aboriginal community reasonable access to the police station and watchhouse when Aboriginal persons are detained. If

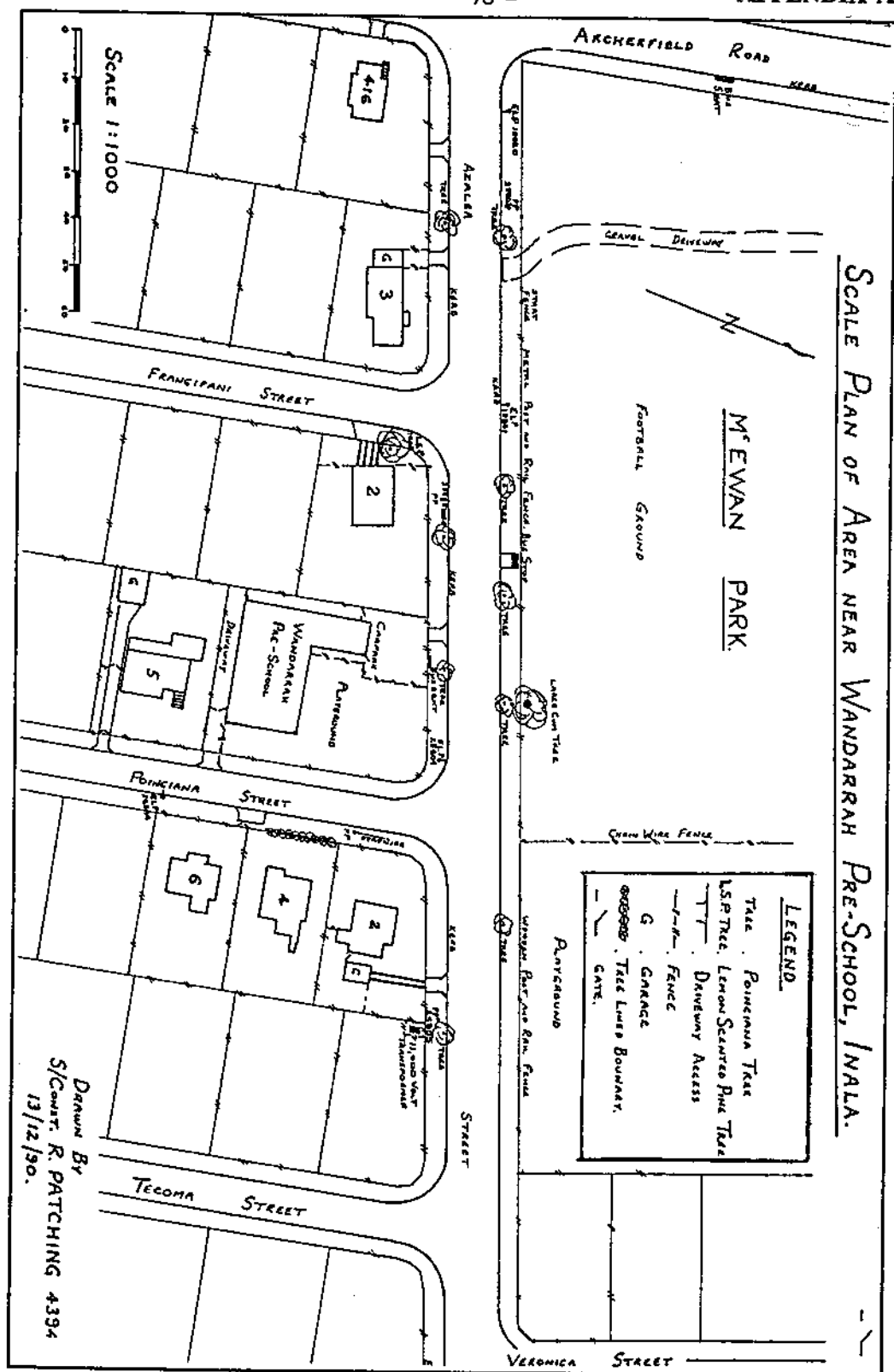
access is denied, the District Officer or Duty Inspector should be advised of the reasons. The appropriate nature and level of training for such field officers or other representatives should be agreed between police and Aboriginal groups.

### **Release of Report**

In addition to the de-briefing of individual complainants, it is recommended that members of the Queensland Police Service, the Aboriginal Legal Service and Aboriginal community leaders from Inala be briefed by the Criminal Justice Commission on the contents of this report immediately upon its release. Ideally this should occur before the release however this is not possible under the present terms of the Criminal Justice Act 1989.



## **APPENDICES**



(WEB) 2. 0. 191 12:00 PM 2001/10/01 PAGE 1

FORM 88A

Permit No.:

Fee: 57

Receipt No: 666668

Date Received: 24-10-90

To the Licensing Commission, Brisbane

Liquor Act 1912-1984

Section 166A

Regulation 53AA

## Application for Ball Permit

(Please print in BLOCK letters)

E. RUSKA.

W. INALA.

Name of Applicant:	WANDARRAH PRE-SCHOOL
Address and Phone No. Name of Association or Body on whose behalf application is made:	P.O. Box 183 INALA Q 4077 PH 372 39 55
Name of Ball:	WANDARRAH DANCE
Name and address of Premises where Ball is to be held:	WANDARRAH PRE-SCHOOL CNR AZALEA + POINCIANA STS INALA
Date of Ball:	2ND NOVEMBER 1990
Hours required:	9 PM - 2 AM

Name and address of members of the Ball Committee:	1. LORNA TYSON 85 AZALEA ST INALA 2. GREGORY EGERT 55 WILLOW ST INALA 3. TONI WHITE 6 JONAVILLE ST, INALA
Address of Association or Body on whose behalf the application is made:	WANDARRAH PRE-SCHOOL & COMMUNITY CENTRE
Estimated Attendance:	100
Admission Charge:	\$5.00
Type of Supper (NB Supper must be provided):	HOT DOGS CHIPS
Liquid refreshments other than liquor which will be available: (Tick (✓) in the appropriate box(es))	Tea <input checked="" type="checkbox"/> Coffee <input checked="" type="checkbox"/> Softdrinks <input checked="" type="checkbox"/>
Refreshments which will be included in the Admission Charge (Tick (✓) in the appropriate box(es))	Liquor <input type="checkbox"/> Supper <input type="checkbox"/>
Hours during which dancing will take place:	9 PM - 2 AM
The purposes for which the net proceeds of the Ball will be applied:	FUNDRAISING FOR CHRISTMAS PRESENTS FOR PRE-SCHOOL & NEIGHBOURHOOD CENTRES

## STATUTORY DECLARATION

I, EDWARD RUSKA of WANDARRAH PRE-SCHOOL  
 hereby apply for a permit authorising the sale and supply of liquor to and the consumption of liquor by  
 those attending the Ball as specified above and hereby solemnly and sincerely declare that—

(a) The statements and particulars contained in the above application for a Ball Permit are true and

## APPENDIX C

### ABORIGINAL PEOPLE INTERVIEWED

- |  |                                       |
|--|---------------------------------------|
| 1. William Clarence BONNER               | 27. GH, a male juvenile aged 14 years |
| 2. Elliott Theodore BOYD                 | 28. Norman Arthur MacDONALD           |
| 3. Tyrone John BOYD                      | 29. Robert Frank MANSFIELD            |
| 4. Katherine BRADY                       | 30. Susan MANSFIELD                   |
| 5. John Patrick BRADY                    | 31. IJ, a male juvenile aged 13 years |
| 6. Peita Natalie BRADY                   | 32. Elaine QUEARY                     |
| 7. Darren Christopher Lawrence BRODERICK | 33. KL, a male juvenile aged 15 years |
| 8. Cyril Dempsey CLEVENS                 | 34. Yvonne Astrid QUINN               |
| 9. CD, a male juvenile aged 16 years     | 35. Lena Joyce SANDY                  |
| 10. Sonya Lee COGHILL                    | 36. Lindsay Allan James SANDY         |
| 11. Stephen Charles COGHILL              | 37. Charles Christopher SAUNDERS      |
| 12. Christopher CONLON                   | 38. Patrick George James SEERY        |
| 13. Patricia Ann CONLON                  | 39. Beryl Rosetta SMITH               |
| 14. Robin Glendon CONLON                 | 40. Gerry SOLOMON                     |
| 15. Winifred Ann CONLON                  | 41. Matthew David SOLOMON             |
| 16. Barbara Patricia COOLWELL            | 42. Robert Bruce SWAN                 |
| 17. Nancy Lena Maree COOLWELL            | 43. EF, a female child aged 11 years  |
| 18. Darren Michael COSTELLO              | 44. Lorna Correll TYSON               |
| 19. Arthur Maxwell CURRIE                | 45. AB, a male juvenile aged 16 years |
| 20. Beverly Olga CURRIE                  |                                       |
| 21. George Cassius CURRIE                |                                       |
| 22. Rodney Rex CURRIE                    |                                       |
| 23. Joanne DODD                          |                                       |
| 24. Cynthia Ann FLUCKER                  |                                       |
| 25. Vicki Helen GOW                      |                                       |
| 26. Susan Margaret HANNINGTON            |                                       |



## **POLICE OFFICERS INTERVIEWED**

### **Commissioned Officers**

1. Inspector Lyle Francis FIRMAN
2. Inspector Ronald Keith McDOUGALL

### **Non Commissioned Officers**

3. Sergeant 1/c John Gregory CASEY
4. Sergeant 3/c Edward Anderson GAIR
5. Senior Sergeant Brian Douglas JOHANNESSEN
6. Sergeant 2/c Gregory Ernest LANG
7. Detective Sergeant 2/c Daniel Stanley McDONALD
8. Sergeant 1/c Melvyn Francis SYMES
9. Sergeant 1/c Victor Albert TOLLENAERE
10. Plain Clothes Senior Constable Geoffrey Owen ACREMAN
11. Detective Senior Constable James Clement ADAMS
12. Senior Constable Visvaldis ALSTERS
13. Constable Stephen Matthew ANGUS
14. Senior Constable William Garth APPLEBEE
15. Constable Patrick James BARRY
16. Constable Stephen Robert BATTERHAM
17. Senior Constable Anthony James BEARDMORE
18. Constable Phillip Kevin BOLTON
19. Constable John Mario BOSNJAK
20. Constable Lloyd BULL
21. Constable Paul Christopher CAMPBELL
22. Constable Raymond CARRICK
23. Constable Damian Robert CHAPMAN
24. Constable Allan Karl COHRS
25. Constable Lee Maureen CURRIE
26. Constable Gregory Earl DAVIS
27. Constable Gerard Frantz Alen D'HOTMAN DE VILLIERS
28. Constable 1/c Paul Anthony DOWLING
29. Constable 1/c Douglas Eamon DRENNAN
30. Constable Robert John DUNCAN
31. Constable Peter Michael FLANDERS
32. Constable David Allan FLEMING
33. Constable Anthony James GEARY

34. Constable Mark Lawrence GOODWIN
35. Constable Mark John GRAHAM
36. Constable Michael Paterson GUTHRIE
37. Constable Robert William HAWKINS
38. Constable Martin Andrew HUNT
39. Constable Leslie John HUTTON
40. Senior Constable David Richard ISHERWOOD
41. Detective Senior Constable Gareth JAMES
42. Senior Constable Russell David JONES
43. Senior Constable Trevor William LITTLE
44. Constable Darren Thomas MADGWICK
45. Senior Constable Kevin Christopher McDONALD
46. Constable Allan John MILLER
47. Constable Darryl Ian MORRISON
48. Constable Lisa Dianne MORROW
49. Constable Karyn Melinda MURPHY
50. Constable Darren Michael NOLAN
51. Constable Sean Patrick O'DONOVAN
52. Constable Christopher Peter PEMBERTON
53. Senior Constable Graham REEVES
54. Detective Senior Constable Anthony John RICHARDS
55. Detective Senior Constable David Gordon ROBERTSON
56. Constable David Clarke ROSS
57. Plain Clothes Constable David Taylor SIMPSON
58. Senior Constable Geoffrey Brian SMITH
59. Constable Malcolm John STANLEY
60. Constable Tod Martin SUCIC
61. Constable Andrew TRACEY
62. Plain Clothes Constable 1/c Timothy Mark TREZISC
63. Senior Constable Damian John WEGNER
64. Constable Derek Brendan WILLIAMS
65. Plain Clothes Constable Mark Leslie WILSON

**OTHER WITNESSES INTERVIEWED**

1. Shane Edward BUTLER
2. George Walter HANCHARD
3. Mary Elizabeth HANCHARD
4. Frederick Thomas HOOF
5. Nancy HOOF
6. Dianne Lesley JORDAN
7. Lawrence David McLEAN (Ambulance Officer)
8. Jeanette Ruth MEEK
9. Jean Gloria ROTH
10. John William SMITH (Ambulance Officer)
11. Dorothy Maria STAFFORD
12. George STEPHAN
13. Daniel UYTENBRIEK

DETAILS OF PERSONS ARRESTED

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0135 (Charged)	BRODERICK Darren Christopher Lawrence	(1) Obscene Language (2) Resist Arrest	Brisbane Magistrates Court 18/1/91. Pleaded not guilty. Convicted and fined \$30 and \$150.	ANGUS
3/11/90 0309 (Released)				
3/11/90 0136 (Charged)	AB	(1) Obscene Language (2) Resist Arrest (3) Assault Police (4) Wilful Damage (Police vehicle)	Children's Court matter. Results not for publication.	PEMBERTON
3/11/90 0320 (Released)				
3/11/90 0138 (Charged)	CD	(1) Obscene Language	Children's Court matter. Results not for publication.	LITTLE
3/11/90 0450 (Released)				
3/11/90 0141 (Charged)	CURRIE Rodney Rex	(1) Obscene Language (2) Resist Arrest	Inala Magistrates Court. Pleaded guilty. Convicted and fined \$40 and \$75.	BATTERHAM
3/11/90 0347 (Released)				

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0142 (Charged)	SMITH Beryl Rosetta	Aid to Resist (CURRIE)	Brisbane Magistrates Court 30/1/91. Discharged under Section 657A of the Criminal Code on a \$100 good behaviour bond for 6 months.	HUNT
3/11/90 0530 (Released)				
3/11/90 0145 (Charged)	BOYD Tyrone John	Disorderly Manner	Inala Magistrates Court. Pleaded guilty. Convicted and fined \$75.	SUCIC
8/11/90 1845 (Released)				
3/11/90 0145 (Charged)	SANDS Zoe Camilla	(1) Obscene Language (2) Resist Arrest (3) Assault Police	Brisbane Magistrates Court (1) Obscene language - convicted and fined \$20 (2) Resist arrest - convicted and fined \$65 (3) Assault Police - convicted and fined \$65	PEMBERTON
3/11/90 1048 (Released)				

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0150 (Charged)	QUEARY Elaine Isabelle	(1) Obscene Language	Inala Magistrates Court 3/4/91. Convicted and fined \$30.	JONES
3/11/90 0411 (Released)				
3/11/90 0153 (Charged)	CURRIE Arthur Maxwell	(1) Obscene Language (2) Resist Arrest	Inala Magistrates Court 20/12/90. Plead guilty. Convicted and fined \$30 and \$50.	ANGUS
3/11/90 0745 (Released)				
3/11/90 0154 (Charged)	SOLOMON Matthew David	(1) Disorderly Manner (2) Assault Occasioning Bodily Harm	Failed to appear. Bail warrant issued.	LITTLE and JONES for assault
3/11/90 (No time given)				
3/11/90 0157 (Charged)	SAUNDERS Charles Christopher	(1) Obscene Language (2) Resist Arrest	Inala Magistrates Court 5/12/90. (1) Obscene language - convicted and fined \$50 (2) Resist arrest - convicted and fined \$70	ANGUS
3/11/90 0500 (Released)				

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0159 (Charged)	MACDONALD Norman Arthur	Drunk	Bail forfeited.	PEMBERTON
3/11/90 0729 (Released)				
3/11/90 0203 (Charged)	QUINN Yvonne	Drunk	Bail forfeited.	ANGUS
3/11/90 0744 (Released)				
3/11/90 0208 (Charged)	SWAN Robert Bruce	(1) Disorderly Manner (2) Willful Damage (Police vehicle)	Inala Magistrates Court 3/10/91. (1) Disorderly manner - convicted and fined \$50 (2) Willful Damage - convicted and fined \$350. Ordered to pay \$811.50 restitution.	D'HOTMAN De VILLIERS and HUNT
4/11/90 1530 (Released)				

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0215 (Charged)	CARPENTER Brian	Obscene Language	Brisbane Magistrates Court. Convicted and fined \$30	JONES
3/11/90 1208 (Released)				
3/11/90 0215 (Charged)	COUCHY Gary	Drunk	Bail forfeited.	BULL
3/11/90 0734 (Released)				
3/11/90 0415 (Charged)	SAUNDERS Ricky Keith	Obscene Language	Bail forfeited.	WILLIAMS
3/11/90 0430 (Released)				
3/11/90 0512 (Charged)	CURRIE George Cassius	Drunk	Inala Magistrates Court. Convicted. Not punished.	JONES
3/11/90 1010 (Released)				



TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
3/11/90 0139 (Charged)	PITAU William	Drunk	Bail forfeited.	ANGUS
3/11/90 0702 (Released)				
3/11/90 0245 (Charged)	FLUCKER Cynthia	Drunk	Bail forfeited.	PEMBERTON
3/11/90 1138 (Released)				
4/11/90 2013 (Charged)	AB	(1) Wilful Damage (2) Obscene Language	Children's Court matter. Results not for publication.	ANGUS
5/11/90 0025 (Released)				
4/11/90 2017 (Charged)	CONLON Robin Glendon	Drunk	Not dealt with as at 31/10/91.	ANGUS
5/11/90 1130 (Released)				

TIME/DATE	DEFENDANT	CHARGE/S	COURT RESULT	OFFICER
5/11/90 0142 (Charged)	CONLON Robin Glendon	Serious Assault	Brisbane District Court 3/6/91. Found guilty and sentenced to 12 months probation.	COOK
5/11/90 1135 (Released)				
4/11/90 2025 (Charged)	KL	Drunk	Children's Court matter. Results not for publication.	ANGUS
5/11/90 0035 (Released)				
6/11/90 0724 (Charged)	COSTELLO Darren Michael	Assault Police	Convicted and fined \$200	HUNT
6/11/90 0746 (Released)				

## APPENDIX E

### MULTICULTURAL POLICING IN QUEENSLAND

#### INTRODUCTION

One of the major changes being implemented in the Queensland Police Service is the introduction of Community Policing. As the predominant policing philosophy it has significant implications, not only for what police do, but how they do it.

Community Policing is defined, for the purposes of the Queensland Police Service, as:

"an approach to police work which recognises and fosters a partnership between the Service and the Community. It involves police and the community working together to identify and solve policing problems."

Such a philosophy does not deny the importance of police being able to respond to requests for help but it does require the Police Service to look outwards and gain a better understanding of the community it serves and this includes Aboriginal and Torres Strait Islander communities, and those communities which have a high proportion of ethnic minority peoples. In recognition of the particular historical, cultural and language dimensions of policing Aboriginal, Torres Strait Islander and ethnic minority groups, a strategic plan for providing policing services in a multicultural environment was considered necessary within which to address the complex issues in a practical and equitable manner.

#### ISSUES

There are a large number of issues that need to be addressed in any strategy for improving the services that the Queensland Police offer to Aboriginal, Torres Strait Islander and ethnic minority communities and individuals. These include:

- the recruitment of Aborigines, Torres Strait Islanders and people from ethnic minority backgrounds as members of the Service;
- the education and training needs of members to ensure that they are aware of the issues and are skilled in dealing with difference;

- liaison and communication between the Police Service and communities;
- the role, responsibilities and training of Aboriginal Community Police; and
- the identification and implementation of alternative policing strategies more appropriate to ethnically and culturally different people.

Any strategy to deal with such a wide range of issues will be complex and has to be understood in the context of the history of policing in Australia and particularly Queensland.

This cannot be achieved by an 'add on' approach to the issues. Aboriginal, Torres Strait Islander and ethnic minority people are part of the community the Queensland Police serve. They have special needs which must be addressed by the Service as a whole. The expertise to help lies in the Communities themselves. The police are finding ways of accessing that expertise, of working together with the communities to address the issues. This strategy provides the framework for doing just that.

Implementation of the strategies described will be dependent on community support and the availability of appropriate resources.

## **OBJECTIVE ONE**

**To increase community involvement in addressing policing issues.**

## **STRATEGY**

- The establishment of two advisory groups; one for Aboriginal and Torres Strait Islander people, one for ethnic minorities.

### **Aboriginal and Torres Strait Islander Police Advisory Group**

The Service proposes that this Advisory Group work to the following objectives:

- To identify issues affecting the Police Service and Aboriginal and Torres Strait Islander communities in Queensland.
- To consider appropriate ways and means of addressing these issues.

- To improve communication and understanding between police and Aboriginal and Torres Strait Islander communities.
- To have input into Police Service policy development as it may affect Aboriginal and Torres Strait Islander peoples.

This Advisory Group will provide a regular channel of communication for Queensland Police and the Aboriginal and Torres Strait Islander communities. The Group will deal primarily with issues involving principles and policy. Under normal circumstances the Group will not deal with individual complaints against the police. If these are received, the Group will pass them to the appropriate authority for investigation.

### **Membership**

The Group should be of manageable size, no more than twenty members with a majority of Community representatives. Representation should be broader than Brisbane based. The existence of such a central advisory group does not reduce the desirability of regional liaison groups. It will be important for the central group to have regular communication with local consultative groups to ensure that regional perspectives are taken into account in policy development.

### **Ethnic Affairs Police Advisory Group**

The Service proposes that this Advisory Group work to the following objectives:

- To identify issues affecting the Police Service and ethnic minority communities in Queensland.
- To consider appropriate ways and means of addressing these issues.
- To improve communication and understanding between police and ethnic minority communities.
- To have input into Police Service policy development as it may affect ethnic minority communities.

The Police Advisory Group will provide a regular channel of communication for Queensland Police and ethnic minority communities. The Group will deal primarily with issues involving principles and policy. Under normal circumstances

the Group will not deal with individual complaints against the police. If these are received, the Group will pass them to the appropriate authority for investigation.

### **Membership**

The Group will have no more than twenty members drawn widely from the community. Ethnic representatives should outnumber police representatives on the Group. The ethnic members of the Group will not represent any particular ethnic organisation. They will be drawn from a variety of ethnic backgrounds with a view to ensuring that the needs of ethnic communities generally are taken into consideration by the Queensland Police.

### **Further Information**

Further information can be obtained from the Multicultural Support Services Section within the Community Policing Support Branch.

## **OBJECTIVE TWO**

**To increase Police Service members' understanding of the needs of Aboriginal, Torres Strait Islander and ethnic minority communities and individuals.**

## **STRATEGIES**

### **■ Pre-service**

To incorporate Aboriginal, Torres Strait Islander and ethnic minority perspectives within the pre-service education and training at the Academy.

### **■ Teacher Training**

To ensure that all teaching staff at the Academy and Regional Training Officers are aware of the issues and skilled in teaching in a multicultural classroom.

### **■ Introduction to Multiculturalism**

To develop an introductory course on understanding cultural and ethnic differences and their impact on policing for serving members, available in distance mode.

■ **Induction Programs**

To develop special induction programs for officers assigned to Aboriginal and Torres Strait Islander Communities. These should include participation by members of the local community.

■ **Curriculum Development**

To develop the curriculum of in-service programs to include the implications of ethnic and cultural differences in the various areas of police operations. For example, a course in investigative skills would address the different factors that need to be taken into account, and might affect the outcome of any investigation, when investigating a crime involving an indigenous or ethnic minority victim, or where the suspect is from a different cultural group. Such awareness needs to be included as integral to any course which involves skills dealing with members of the community.

■ **Undergraduate Program**

To develop opportunities for officers to gain a greater understanding of Aboriginal and Torres Strait Islander issues, history and culture, and their impact on policing.

**Further Information**

Further information about these initiatives can be obtained from the Dean of the Queensland Police Academy.

**OBJECTIVE THREE**

**To increase the number of Police Service members from indigenous and ethnic minority backgrounds.**

**STRATEGIES**

- Establish an Equal Employment Opportunities function within the Personnel Branch, which would be responsible for providing an equal employment opportunities input into the following areas.

- Recruitment and recruit advertising.

- Promotion systems.
  - Training opportunities.
  - Anti-discrimination activities.
  - Policy development.
  - Exploring the feasibility of supporting the development of tertiary preparation programs for Aboriginal and Torres Strait Islander people wishing to gain entry to the Police Service.
  - Research into equal opportunities issues, advise on equal employment opportunities, and assist with compliance with legislative requirements.
- Develop an Equal Employment Opportunities Management Plan.

#### **Further Information**

Obtainable from the Manager, Personnel.

#### **OBJECTIVE FOUR**

**To improve the manner in which the Police Service responds to the needs of Aboriginal, Torres Strait Island and ethnic minority people.**

#### **STRATEGIES**

■ **Multicultural Support Services Section**

The establishment of a Multicultural Support Services Section.

The functions of such a section to be:

- Support local Contact/Liaison officers.
- Organise, in co-operation with the Academy, education and training for Contact/Liaison officers.



- Initiate and undertake research into Aboriginal, Torres Strait Islander and ethnic minority issues.
- Provide information, advice and guidance to Regions and Directorates on matters relating to Aboriginal, Torres Strait Islander and ethnic minority issues.
- Develop, in consultation with the communities concerned, strategies to address issues.
- Provide the Aboriginal, Torres Strait Islander and ethnic minority perspective in policy development.
- Provide secretariat support for the two Police Advisory Groups.
- Ensure that the issues, views and concerns raised by the two Police Advisory Groups are communicated to the relevant sections of the Police Service.

#### ■ **Contact/Liaison Officers**

The introduction of Contact/Liaison Officer roles throughout the State.

The roles and responsibilities of local Contact/Liaison Officers might include:

- To make links with community organisations and individuals.
- To work with the community to identify and help solve problems of a policing nature.
- To facilitate communication between Police and the community.
- To develop knowledge about the community and share this knowledge and experience with other police colleagues to help prevent and solve crime.

#### ■ **Aboriginal Community Police**

Development of a Community Police 'Apprenticeship' Scheme for Aboriginal and Torres Strait Islanders in Communities.

Any Community Constable Scheme should have the following characteristics:

- Community Police should be employed as members of the Queensland Police Service, with appropriate conditions of service and support.
- Recruitment be undertaken by the Police Service with the participation of the local Community Council.
- The Community Constable Scheme should resemble an apprenticeship, of perhaps three years.
- The Scheme would provide training in those areas of the law and police procedures which are most relevant to the functioning of Aboriginal Community Police. The program of training should also include Aboriginal law and customs, Aboriginal history, tracking knowledge and skills.
- The program of study should include research into local customs and history recording information that might otherwise be lost.
- Training should pay particular attention to dispute resolution strategies and crises intervention skills.
- A qualification should be offered at the successful completion of the study program.
- The Aboriginal Community Police qualification would guarantee entry to the Recruit Training Program at the Academy should the officer wish to pursue a wider policing career.
- Each Community Council to establish a Police Reference Group to work with the police to address community policing issues.
- An exploration should occur in each Community to identify and use appropriate alternative dispute resolution strategies.
- Careful thought should be given as to whether Community Constables are trained with a view to policing only one Community, or whether it would be desirable for part at least of their training to be undertaken in conjunction with Community Constables from a number of Communities.

### **Further Information**

Further information about the introduction of these initiatives can be obtained from the Multicultural Support Services Section within the Community Policing Support Branch. For information on local and regional initiatives please contact the appropriate regional office.

## APPENDIX F

### **Selected Recommendations of the Royal Commission into Aboriginal Deaths in Custody.**

The following recommendations of the Royal Commission into Aboriginal Deaths in Custody are of particular relevance to the circumstances the subject of the present inquiry and are reproduced in full as follows:

60. That Police Services take all possible steps to eliminate:
- a. Violent or rough treatment or verbal abuse of Aboriginal persons including women and young people, by police officers; and
  - b. The use of racist or offensive language, or the use of racist or derogatory comments in logbooks and other documents, by police officers.

When such conduct is found to have occurred, it should be treated as a serious breach of discipline.

79. That, in jurisdictions where drunkenness has not been decriminalized, governments should legislate to abolish the offence of public drunkenness.
80. That the abolition of the offence of drunkenness should be accompanied by adequately funded programs to establish and maintain non-custodial facilities for the care and treatment of intoxicated persons.
81. That legislation decriminalizing drunkenness should place a statutory duty upon police to consider and utilize alternatives to the detention of intoxicated persons in police cells. Alternatives should include the options of taking the intoxicated person home or to a facility established for the care of intoxicated persons.
86. That:
- a. The use of offensive language in circumstances of interventions initiated by police should not normally be occasion for arrest or charge; and

- b. Police Services should examine and monitor the use of offensive language charges.

87. That:

- a. All Police Services should adopt and apply the principle of arrest being the sanction of last resort in dealing with offenders;
- b. People administrators should train and instruct police officers accordingly and should closely check that this principle is carried out in practice;

88. That Police Services in their ongoing review of the allocation of resources should closely examine, in collaboration with Aboriginal organizations, whether there is sufficient emphasis on community policing. In the course of that process of review, they should, in negotiation with appropriate Aboriginal organizations and people, consider whether:

- a. There is over-policing or inappropriate policing of Aboriginal people in any city or regional centre or country town;
- b. The policing provided to more remote communities is adequate and appropriate to meet the needs of those communities and, in particular, to meet the needs of women in those communities; and
- c. There is sufficient emphasis on crime prevention and liaison work and training directed to such work.

228. That police training courses be reviewed to ensure that a substantial component of training both for recruits and as in-service training relates to interaction between police and Aboriginal people. It is important that police training provide practical advice as to the conduct which is appropriate for such interactions. Furthermore, such training should incorporate information as to:

- a. The social and historical factors which have contributed to the disadvantaged position in society of many Aboriginal people;
- b. The social and historical factors which explain the nature of contemporary Aboriginal and non-Aboriginal relations in society today; and

- c. The history of Aboriginal police relations and the role of police as enforcement agents of previous policies of expropriation, protection and assimilation.
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- 229. That all Police Services pursue an active policy of recruiting Aboriginal people into their services, in particular recruiting Aboriginal women. Where possible Aboriginal recruits should be taken in groups.
  - 230. That where Aboriginal applicants wish to join a service who appear otherwise to be suitable but whose general standard of education is insufficient, means should be available to allow those persons to undertake a bridging course before entering upon the specific police training.

V. R. Ward, Government Printer, Queensland

