



*Neil Comrie, B.A., Assoc. Dip. C.J.S.
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*Office of the Chief Commissioner
Police Headquarters
380 William Street
Melbourne Vic 3000*

7 June 1993

**Sergeant P. Mericka, 21776
Box Hill Police Station**

Dear Sergeant Mericka,

Our Media Director, Ms. Jane Munday, has brought to my attention a report submitted by you of 5th June, 1993, regarding a matter referred to you from Mr. Connellan of the Fitzroy Legal Service.

I commend you for the manner in which you have handled this matter, effectively resolving a potential complaint against police in a most satisfactory manner. If all supervisors in the Force acted in a similarly responsible manner, then we would have to spend a great deal less time in defending our position against what is often factually flawed criticism.

Keep up the good work!

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Neil Comrie".

**Neil Comrie,
Chief Commissioner.**

"G" DISTRICT
File 1295/93

Internal Investigations Department

MEMO

From: Assistant Commissioner, Internal Investigations

To: Assistant Commissioner (Operations)


Date: 8 June 1993

SUBJECT: Complaint through Alphaline - good work by Box Hill Members

The complaint from Greg Connellan was handled in a most professional manner. This was particularly so in view of the Legal Centres public condemnation of the Force which many members might have used to justify an insulting or less than satisfactory response.

While it is a less than satisfactory fact that people can jump to erroneous conclusions about police activities, the real facts and feedback to all involved have occurred shortly after the incident and obviously to good effect.

Please pass on my congratulations to Sergeant Mericka and all others involved. The Media Director brought the incident to my notice.


Gavin Brown
Assistant Commissioner
(Internal Investigations)

INTERNAL INVESTIGATIONS
DEPARTMENT
No. 731/93

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|---------------------------------|-------------|
| POLICE STATION BOX HILL-3128 | |
| Date | 24 JUN 1993 |
| File No. | 985/93 |
| Initials | |

OPERATIONS DEPARTMENT
FILE 425/93

Copy for your original info; has been submitted at Box Hill



Officer in Charge
Box Hill

Box Hill Police Station
5 June, 1993

Complaint re' Violence Used By Police During Arrest of Offender

The Complaint

1. At 1840 hours I received a telephone call from Mr. Greg CONNELLAN (who I believe is a founding member of the Fitzroy Legal Service) who stated that he was manning the "Alphaline" citizens' advice telephone line, wishing to report an incident.
2. Mr. CONNELLAN stated that a concerned member of the public had telephoned him and reported that he had just seen police at the intersection of Winfield and Belmore Roads arresting a young man for no apparent reason by placing handcuffs around the man's legs and hands, then bundling him into the back of a divisional van. He stated that the caller had also reported that one of the police had grabbed the man's head and deliberately rammed his face into the pavement before throwing him into the van.
3. Mr. CONNELLAN stated that he had suggested that the caller report the incident to R.I.D., but that the caller was reluctant to do so. (I must say that this is very similar to the incidents said to have been collated by members of the Fitzroy Legal Service for their recent report on police violence - anecdotal material collected from people who are reluctant to make formal complaints). In any case, Mr. CONNELLAN wanted to ensure that as supervising sergeant I was aware of what my men were alleged to have done.
4. I have no doubt that this incident would have found its way into some report on police violence had it not been for the explanation given to Mr. CONNELLAN.

The Circumstances

5. At 1525 hours Mr. [REDACTED], a Salvation Army chaplain, attended at the watch-house of the Box Hill Police Station, accompanied by Mr. [REDACTED]. Mr. [REDACTED] was suffering from a severely blackened right eye and a laceration to the upper right cheek. He stated that his nephew, Mr. [REDACTED] of [REDACTED], Box Hill North had earlier been certified by Dr. [REDACTED] and was to be transported to Larundel Psychiatric Centre. Mr. [REDACTED] stated that he had come directly to police, without contacting the ambulance service because Mr. [REDACTED] was extremely violent. Apparently Mr. [REDACTED] had attended to Mr. [REDACTED] in his capacity as Salvation Army chaplain. Mr. [REDACTED] had attacked Mr. [REDACTED] by kicking and punching him, and at one stage during the attack had attempted to strike him to the head

with a large tape dispenser. Mr. ARMSTRONG warned police that Mr. JONES was extremely violent, and did not seem to feel pain. In fact, Mr. JONES had earlier suffered a severe cut to his hand as a result of having punched it through the window of a car, but stated that it did not hurt him as he is a Christian.

6. Mr. JONES, Mr. JONES brother-in-law also warned police that Mr. JONES had been trained in kick-boxing.

7. Arrangements were made to have an ambulance attend at the scene with police in order to confirm that Mr. JONES had to be transported by police.

8. At 1620 hours police attended at 51 Woodhouse Grove, Box Hill. Constables Lincoln GRIGG and Mark RHOOK arrived in the divisional van, while I attended in a marked sedan. On arrival at the scene we were informed that Mr. JONES had left the house approximately 5 minutes before police arrived. A photograph was provided by Mr. JONES to assist police with their inquiries.

9. A search was conducted of the area by the Constables in the divisional van, and myself and Mr. JONES in the sedan. After searching the vicinity without success both vehicles returned to Woodhouse Street. It was suggested by one of the occupants of the house that Mr. JONES may walk to a drug dealer's address in [redacted] Kew. It was suggested that Mr. JONES may walk to the address via [redacted] Road.

10. I remained with family members for a short time while Constables GRIGG and RHOOK left for Kew.

11. At approximately 1710 hours I left [redacted] heading towards Kew, when I heard Constable GRIGG on the police radio stating that Mr. JONES had been found and was being transported direct to Larundel.

12. According to Constables GRIGG and RHOOK, Mr. JONES was seen walking west along Belmore Road, North Box Hill. The divisional van continued past Mr. JONES, executed a "U" turn at the roundabout at Belmore and Union Roads, then drove up to Mr. JONES and asked him about his bandaged hand. This was to avoid startling Mr. JONES and to give police an opportunity to get close to him. Before police could alight from the van Mr. JONES ran off east along Belmore Road, in Winfield Road.

13. Police drove to the corner of Belmore and Winfield Roads and stopped. Mr. JONES saw the police, and approached the divisional van driver's door. Constable RHOOK asked Mr. JONES if he could get out of the divisional van and examine Mr. JONES hand. Mr. JONES stood back from the divisional van and began to unwrap the bandage around his left hand. Constable RHOOK alighted from the divisional van and approached Mr. JONES.

14. While Mr. JONES was preoccupied with his bandage, Constable RHOOK grabbed him front-on in a bear-hug, pinning Mr. JONES arms to prevent him from struggling. Mr. JONES began to struggle violently, screaming that he did not want to be locked up. Constable RHOOK staggered with Mr. JONES toward the divisional van, resulting in Mr. JONES being held against the divisional van with his hands held in front of him.

15. At this point Constable GRIGG managed to place a handcuff on Mr. JONES right hand. Constable GRIGG attempted to place the other handcuff on Mr. JONES left hand, but because of the large and bulky bandage extending over the wrist, together with Mr.

incessant struggling, it was approximately 30 to 40 seconds before the left hand could be restrained.

16. When Mr. [REDACTED] hands were secured he was led to the rear of the divisional van, with the two constables each holding one of Mr. [REDACTED] arms. As they reached the rear of the divisional van Mr. [REDACTED] placed his foot against the rear of the van and pushed backwards, causing police to stumble backwards. He continued to use his feet to prevent police from getting him into the van.

17. At this point, because Mr. [REDACTED] was using his feet to good effect, he was brought to the ground. Mr. [REDACTED] lashed out with his feet, attempting to kick police. At this stage Mr. [REDACTED] was lying on his side on the roadway. Constable GRIGG was restraining Mr. [REDACTED] with his left forearm placed across Mr. [REDACTED] shoulder/neck area and his right hand grasping Mr. [REDACTED] right arm. At this stage Mr. [REDACTED] was thrashing his legs wildly, and attempting to bite Constable GRIGG.

18. Because of these circumstances, and heeding the warning of Mr. [REDACTED] that Mr. [REDACTED] was experienced in kick-boxing, Constable RHOOK who at this stage was attempting to restrain Mr. [REDACTED] legs placed handcuffs around MR. [REDACTED] ankles. Even when the handcuffs were placed around his ankles Mr. [REDACTED] continued to struggle violently.

19. During the struggle Mr. [REDACTED] would occasionally stop struggling altogether, and talk calmly to police for a few seconds at a time. He would then scream and thrash about wildly again.

20. Having been restrained Mr. [REDACTED] was placed in the divisional van. Even as he was being placed into the van MR. [REDACTED] managed to bite Constable RHOOK on the right bicep.

The Inquiries

21. As I had spoken the van crew shortly before Mr. CONNELLAN's telephone call I was able to give him a full explanation as to what had happened and the surrounding circumstances. I then informed Mr. CONNELLAN that I could attempt arrange to have Mr. [REDACTED] family contact him to describe Mr. [REDACTED] violent behaviour.

22. At 1848 hours I telephoned Mr. [REDACTED] father, Mr. [REDACTED] and told him of my conversation with Mr. CONNELLAN. Mr. [REDACTED] (Snr.) stated that he would be more than happy to explain the circumstances to Mr. CONNELLAN if Mr. [REDACTED] could not be located to do so. Mr. [REDACTED] (Snr.) also gave the telephone number of the doctor who was treating his son at Larundel.

23. At 1848 hours I telephoned Dr. [REDACTED] at Larundel and asked him about Mr. [REDACTED] physical condition. I told Dr. [REDACTED] of the allegations and asked him about any injuries sustained by MR. [REDACTED], particularly in relation to Mr. [REDACTED] face. Dr. [REDACTED] stated to me that there were no injuries to Mr. [REDACTED] face, and that the only injuries he could find, apart to the lacerations to his hand, were slight abrasions to Mr. [REDACTED] wrists which appeared to have been caused by handcuffs.

24. At 1904 hours I telephoned Mr. CONNELLAN and informed him of the comments of Mr. [REDACTED] (Snr.) and gave him the name and telephone number of Dr. [REDACTED] Mr.

CONNELLAN stated that he had spoken to the person who had phoned "Alphaline" and that this person was satisfied with the explanation given.

25. At 2230 hours Mr. [REDACTED] telephoned me and, after I had spoken with him, telephoned Mr. CONNELLAN. At 2240 Mr. [REDACTED] again telephoned me and stated that Mr. CONNELLAN had told him that no complaint would be laid as both Mr. CONNELLAN and the anonymous complainant were satisfied with the explanations given.

Conclusion

26. It is very rare that police are in a position to placate those who are so ready to criticise us. Even when it is possible, time and other constraints prevent it. In any case, those who criticise are often more interested in the negative than the positive aspects.

27. On this occasion, I went to a great deal of trouble to satisfy Mr. CONNELLAN. Although police are not answerable to such people I saw this as a good opportunity because:

- (a) I know who Mr. CONNELLAN is, the work he does and the way in which such data is manipulated by certain members of our community;
- (b) I was in the fortunate position of being able to answer the allegations then and there without having to hang up and find out the circumstances;
- (c) It was clearly a matter of potentially destructive misinformation in terms of what was passed to Mr. CONNELLAN by the "concerned citizen" who phoned him.

28. It is easy to see how a complaint which could have been made directly to police can be the subject of distortion when, instead, it is given to an intermediary. In this case the distortion takes the form of an embellishment (the ramming of a young man's face into the pavement) and an omission (the fact that the man was a mental patient with a history of violence and proficiency in kick-boxing).

29. Perhaps the next time a police member is interviewed or questioned in relation to anonymous reports of alleged police violence this incident could be used as an example of the way in which uninformed and anonymous observers, and those who listen to them can get it wrong.

30. For transmission to the Media Director's Office.

P. MERICKA
Sergeant:21776