

Submission 144

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BY: *gillian fawcett*

TO: HON. BRONWYN BISHOP

FROM: ALAN STEPHENS

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**SUBMISSION TO HOUSE OF REPRESENTATIVES COMMITTEE
(LAW AND ORDER)**

Madam Chair and Members of the Committee;

My name is Alan Raymond STEPHENS. I was sworn in as a Probationary Constable in the New South Wales Police Force on the 24 June 1968. On the 4 August 2001, I retired from the New South Wales Police Service, medically unfit after having completed over 33 years of service. The majority of my Service was performed in uniform in the Liverpool, Green Valley, Macquarie Fields and Campbelltown areas of south-western Sydney.

After reading the Terms of Reference for your inquiry, I would imagine that the majority of people would immediately connect the words 'crime', 'fear of crime' and 'victim of crime' with the offenders being undesirable members of the community who have no regard for law and order and who commit offences for a number of varied reasons.

Unfortunately, the offenders in the incidents which have placed me in the category of being a 'victim of crime' and a person who has a 'fear of crime', are current serving members of the New South Wales Police Force. I might add, that not only are they current serving members, but also, some officers hold a Commission of the rank of Superintendent and Assistant Commissioner.

Before I set out a brief summary of my allegations and naming the police officers involved, I will upfront, indicate that this is not a vexatious complaint and that I have in my possession, adequate video evidence, written documentation and reliable witnesses who can give honest evidence to support my allegations.

The circumstances surrounding my allegations are as follows.

At 2-30pm on Friday 4 February 2000, I attended the Sydney Cricket Ground with nine other people to watch the day-night, International One-Day Cricket match between Australia and Pakistan. Included in the group was my daughter, two other current serving New South Wales Police officers and six other friends, one of who was a former serving New South Wales Police officer, Mr. David Gabriel.

We were all seated in the Brewongle Stand watching the game and about 8-15pm Mr. Gabriel, along with two other civilian males from the group, Mr. Roby and Mr. Hibbs, walked downstairs. A short time later, Mr. Roby appeared on a landing/walkway in the Brewongle Stand waving to me and indicating for me to attend where he was standing.

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I then walked to his location and he informed me that Mr. Gabriel had been involved in an incident with security guards and police and that he had been handcuffed. He also informed me that he thought Mr. Gabriel was having a fit and suggested that I attend the location in the stairwell.

I then walked with Mr. Roby to a landing in the stairwell where I saw Mr. Gabriel laying on the concrete floor being treated by two medical officers. At the time there were about six uniformed police and a further six uniformed security officers at that location. One of the police officers, S/Constable Broadhead, approached me and said, "Sergeant Stephens, I know who you are and I know who Dave Gabriel is. If you want a bit of friendly advice, don't get involved." I said, "I was just sitting up in the grandstand, this gentleman here (indicating Mr. Roby) informed me there had been an incident down here involving Dave and asked me if I could come down and see what was happening. I've come down to see if you guys are alright and also to check on Dave to see what was happening with him because I was told that he was having some sort of fit and I am aware that he was an asthma sufferer." He then requested that I stand over next to the wall with Mr. Roby, which I did.

Whilst Mr. Gabriel was being treated, I heard one of the security guards say to the police, "I don't care what happens, I just want him off the premises and out of the Cricket Ground." I then caught Constable Broadhead's attention and beckoned him over to me. I said to him, "Look, I don't want to get involved but if all you want is Dave to be taken away, even though the game is still going, I'm prepared to assist by taking him off the premises. I will take him home and I will guarantee you that he won't return to the ground tonight." He said, "I'll just check up," and he then walked over to the group of security guards and police officers. He returned and said, "No, I'm sorry, when he was being carried down the stairs he lashed out with his foot and kicked one of the constables in the arm and the constable wants him charged with assault." I said, "Fine." I then remained standing alongside Mr. Roby until Mr. Gabriel was assisted to his feet, walked down stairs and after his details were obtained, he was released.

That was the only time I had any contact or conversation with the police that day and at no time during that day was I involved in any incident at the Sydney Cricket Ground.

Along with Mr. Roby, I then said goodbye to the other members of our group and we caught the bus to Central Railway Station and a train to Minto. My wife collected us both from Minto Railway Station, dropped Mr. Roby home at Raby and I then arrived home about 10-30pm with my wife.

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Shortly after I left the Cricket Ground, Mr. Gabriel together with Mr. Hibbs and two serving police officers, S/Constables Nellies and Quigg re-entered the ground. A further incident took place at 10-25pm involving Mr. Gabriel, security officers and police. Mr. Gabriel was arrested, conveyed to the Sydney Police Centre and charged with a number of offences.

Since that evening, S/Constable Nellies, S/Constable Quigg and myself have been subjected to persecution, harassment and victimisation by Senior police officers and banned from the Sydney Cricket Ground and Sydney Football Stadium for a period of twelve months.

I was subpoenaed by Mr. Gabriel and gave evidence at The Downing Centre Court in relation to the charges against him.

Since the 4 February 2000, I have become very familiar with all the evidence which has been produced at court in the prosecution case against Mr. Gabriel. This evidence includes statements from police and security guards and video evidence from the Sydney Cricket Ground C.C.T.V Security System.

I have also become very familiar with lengthy correspondence in relation to the Departmental action taken against Nellies, Quigg and myself.

Mr. Gabriel was charged with twelve offences over the two incidents at the Sydney Cricket Ground on the 4 February 2000. Five of those matters were dismissed at the Burwood Local Court and a further two charges were dismissed by Judge Tupman at The Parramatta District Court. At this time, he is still convicted of the remaining five charges.

Since the 4 February 2000, evidence was produced by the Prosecution, evidence was subpoenaed by the Defence, and documentation has been sought under the Freedom of Information Act from the New South Wales Police Service and Cricket Ground Trust.

In a video tape obtained from the Sydney Cricket Ground Trust, it clearly shows Mr. Gabriel being arrested and then handcuffed by two uniformed police, a Sergeant John Rayment and Constable Matthew Duggan. Shortly after being placed face down on the floor of the Ladies Stand, the video clearly shows Constable Duggan lifting his left foot from the ground and placing it on Mr. Gabriel's head. This is directly in front of Sergeant Rayment. Shortly afterwards, Assistant Commissioner Richard Adams attends the scene and witnesses the assault.

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After this matter was heard before Judge Tupman at the Parramatta District Court, her Honour made the following comment in her Judgement. "I might just add for what it is worth, that I think that there was a degree of over-reaction on several persons parts that night, more particularly so Officer Duggan, who had no right to put his foot on the defendant's head. The defendant, at that stage, quite clearly was not arching his back, and in any physical and direct way was resisting arrest. He was drunk, he was face down, and he was moving his head and nothing more. It was not necessary for Officer Duggan to put his foot on his head."

Neither Assistant Commissioner Adams or Sergeant Rayment took any action in relation to this assault and infact both officers deliberately omitted the incident from the statements, which they prepared for the information of the Court. It was only after they became aware of the video that they included the incident in their evidence.

After being removed from The Ladies Stand, Mr. Gabriel was taken into The Match Day Office by Sergeant Rayment and Constable Duggan. Also in their company were Assistant Commissioner Adams and some security officers. Whilst in that office, Mr. Gabriel alleges that he was assaulted by having his head banged onto a counter.

Even though Mr. Gabriel and the other people appear on the videotape entering The Match Day Office and there is video footage of the police truck being padlocked one minute two seconds later, the actual video footage inside The Match Day Office has been copied over. The evidence of Mr. Gabriel being assaulted in the presence of Assistant Commissioner Adams is replaced with footage of a staircase at the Sydney Cricket Ground on the 27 February 2000.

There is no doubt that this video, which was produced at court in evidence, has been tampered with by police, Sydney Cricket Ground Staff or more than likely, both.

As previously stated, there has been lengthy statements, court depositions, subpoenaed documents, Departmental correspondence and a video which I have in my possession in relation to this matter. I have become very familiar with all these items after having read and viewed them on many occasions.

I now make the following allegations and accusations against the following persons: -

Assistant Commissioner R.S. ADAMS, Conspiracy to Pervert the Course of Justice, Neglect of Duty and Perjury.

Superintendent G. HODSDON, Conspiracy to Pervert the Course of Justice, Abuse of Office, Lying in an Official Departmental Investigation and Giving Unlawful Directions.

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Inspector J. BEHRENDT, Conspiracy to Pervert the Course of Justice and Neglect of Duty.

Senior Sergeant K. BATTISHILL, Conspiracy to Pervert the Course of Justice and Lying in an Official Departmental Investigation.

Sergeant John Francis RAYMENT, Conspiracy to Pervert the Course of Justice, Perjury, Assault and Neglect of Duty.

S/Constable G. BROADHEAD, Conspiracy to Pervert the Course of Justice and Lying in an Official Departmental Investigation.

Constable Matthew James DUGGAN, Assault, Conspiracy to Pervert the Course of Justice and Perjury.

Security Officer Jonathon Charles GRAY, Pervert the Course of Justice and Perjury.

Security Officer Dean Gregory LEIGH, Conspiracy to Pervert the Course of Justice and Perjury.

Security Officer Maryanne LEIGH, Conspiracy to Pervert the Course of Justice and Perjury.

I have attempted to resolve the Departmental Investigation matters since 2000 by applying to the New South Wales Police Service and The Sydney Cricket Ground Trust for documents under the Freedom Of Information Act, however I have not received any assistance whatsoever from the Police Service.

I then made a lengthy written complaint to The New South Wales Ombudsman's Office in May 2001, in relation to 'Conspiracy to Pervert the Course of Justice,' 'Abuse of Office', 'Giving Unlawful Directions' and 'Lying in an Official Departmental Investigation' against Superintendent Hodsdon. However, in another corrupt action, the investigation was reviewed and forwarded to the Ombudsman by Assistant Commissioner Adams with a recommendation of 'No Further Action' in September 2002.

After serving the community of New South Wales for over 33 years as a police officer, I cannot begin to explain to you the devastating effect of being a 'victim' has had upon me. The most disappointing thing that I have found, is that I have witnessed first hand, the corrupt practices of police compiling false statements, tampering with evidence and perjuring themselves in order to convict a person of offences that he did not commit.

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Even though 7 of the 12 charges against Mr. Gabriel have been rightly dismissed, unfortunately, he is still wrongfully convicted of 5 charges due to the perjury and conspiracy I have mentioned above.

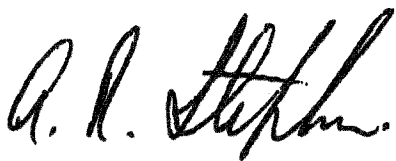
I wish to indicate at this time, that I receive no joy whatsoever in raising the above matters but in extreme frustration, I turn to you in a last effort to raise and resolve the matter. It is very apparent to me, that whilst ever police investigate complaints involving police, there is a very good chance that the matter will not be investigated properly and a cover-up will occur.

In relation to my complaint to the Ombudsman, it is very clear that the only thing the investigation did, was to obtain certain information and details about my complaint, make them aware to Superintendent Hodsdon and then give him time to work out a way of making up an excuse or a way to get out of it. Fortunately, I have retained some information, which I felt should be kept aside and then be used at a later time.

I now forward this submission to you for your information and I look forward to receiving an invitation to appear personally before you and presenting the relevant evidence contained in the statements, court transcripts, correspondence and video which I have in my possession.

I have indicated above that I wish this matter to be dealt with as private and confidential. I only request that this submission be treat as confidential until I appear and fully present my submission.

Yours Sincerely,



A.R. STEPHENS.