

Inquiry into the Government's response to the Covid-19 pandemic

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YOUR SUBMISSION

Submission:

Dear committee

I am writing to make a submission to the inquiry of my own experience being victimised by illegal policing during Victoria's COVID19 response.

At around 16:40 on Friday 23 October 2020, I was illegally detained by police outside a service station on Kings Way, adjacent to the off ramp of Westgate Freeway.

Officer [REDACTED] clearly stated to me that I was not being detained, yet police officers had encircled me and several other people without allowing any exit. Due to the officer's denial that I was being formally detained, and the fact that there was absolute imprisonment caused by the circle of police officers blocking passage, I was being unlawfully detained by police, contrary to both my human rights to freedom of movement and Section 457 of Crimes Act 1958.

During this unlawful detention, the weather was rainy and no part of the detention circle was under a roof, nor did police officers provide alternative sheltering such as umbrellas. This is in breach of my human right to human treatment in detention.

About 10 minutes into the illegal detention and seconds after I asked whether the officers would like to arrest me or take my name and address, I was suddenly assaulted by police officers from behind the circling officers, before being told I was under arrest. The sudden and unexpected motion of pulling, pushing and grabbing would have caused an instant reflective defensive reaction but for my strong restraint, which was able to prevail over the bodily fear arising from being suddenly assaulted. I remained calm and did not resist the arrest, and was cuffed and taken a small distance away to be issued an infringement notice.

The arresting officer in the first instance, notified me that I was being arrested for "protesting in a crowd", and did not explain why he had to use force to effect my arrest when seconds prior I was asking if they would like my details or to arrest me. The force used, while not amounting to violence, was still excessive considering the circumstances, and would only have provoked reflective defensive responses if I hadn't exercised extraordinary restraint. The sudden use of force to a non violent and non threatening individual was unjustified and created a risk to both myself and the arresting officers.

I have video evidence from during the illegal detention to seconds after my arrest, which clearly shows

Officer [REDACTED] denying I was being detained, police forming a circle amounting to absolute imprisonment, me being non threatening and non violent and asking if the officers would like to take down my details or arrest me. The video evidence also shows the unnecessarily sudden, intense and threatening way the officers effected my arrest.

Shortly after my arrest and during the walk towards the processing tables, I clearly requested that the arresting officer provide me with his name and police ID number, and was promised this would be provided at the end of the process. During the process of being issued an infringement notice, I at least twice again requested that the identity of the arresting officer to be provided to me, and was promised this would be given together with the infringement notice.

During the process of being issued an infringement notice, while I was in custody and handcuffs, I was placed within a metre of the Officer who issued my infringement notice, [REDACTED] whose face mask was loosely resting almost on his chin, exposing both his nose and mouth. My face mask had also loosened during the arrest process and the arresting officer under whose custody I was, neglected to adjust my face mask to fully cover my nose, while placing me within a metre away from Officer [REDACTED], whose nose and mouth were both exposing. This continued until I verbally reminded both officers, and while my mask had been adjusted by my arresting officer, Officer [REDACTED]' mask was still ineffectively covering his nose and I continued to be placed within a metre away from him. This is a further violation to my human right of being treated humanely while in custody.

Also while handcuffed in custody, I was frisk searched without warning and without consent. Once I realised my person was being touched and searched, I loudly stated that I did not give consent to a search.

I was handcuffed for the majority of the time I was being processed, despite not showing any resistance from the start of the arrest. I consider this unnecessary and unjustified.

Once my infringement notice was issued, I was immediately ordered to leave the area immediately without allowing me an opportunity to check all information was in order. After leaving the scene, I discovered that the promised information about the identity of my arresting officer was not available, as was the "Brief Description of Infringement Offence Alleged" section on my infringement notice (due to the use of a stamp for the section which did not pressure-inprint onto my copy of the notice). I went back to the scene and approached another officer to provide me these missing details, who arranged for my infringement notice to be stamped, but again failed to provide the identity of the arresting officer.

In summation, Victoria Police have breached the law or their duties in their response to COVID19 enforcement in my experience by the following:

Illegal de-facto detention before my formal arrest

Unnecessary arrest after I volunteered to provide my identity.

Unnecessary use of force during my arrest

Inhumane treatment while I was in detention with regards to both the rainy weather and COVID protection including social distancing and mask enforcement.

Illegal search of my person

Unnecessary use of handcuffs

Failing to provide requested details of my arresting officer by at least the arresting officer himself, officer

[REDACTED] and the officer who I approached after leaving the scene.

Thank you for your time.

Kind Regards

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