

The Guardian

WA police officer escaped sanction for 'shocking force against Indigenous boy

Exclusive: Outrage after CCTV reveals Perth officer dragged handcuffed teenager to ground, causing him to hit his head

Michael McGowan police officer who dragged a handcuffed Indigenous boy on to **Borena Allam** using his head to hit the pavement, escaped any sanction over the incident after an internal investigation found the level of force used was "necessary and not excessive".

Amid a spate of incidents raising concerns about heavy-handed policing against Indigenous people in Australia, footage obtained by the Guardian highlights what critics say is the flawed process by which investigations into alleged misconduct made against officers are handled internally.

Shot outside Perth train station, the CCTV footage shows the teenager handcuffed and surrounded by five police officers after being detained in the early hours of 7 July 2018. The teenager, who is sitting down with his hands cuffed behind his back during the incident, appears to say something to the officers. One of them then grabs the boy and pulls him on to the ground in two motions, causing his head to hit the pavement.

A witness to the incident, who heard the boy cry out in pain, was also arrested for obstructing police. The charges were later dropped after the CCTV footage seemed to contradict statements filed by police.

The footage shows the officer then using his forearm to press the boy's face into the pavement for about a minute. A second officer then pulls the boy's leg up behind his

body and also leans on him. The boy remains pinned to the ground while handcuffed for about five minutes.

“It’s excessive force,” Nicholas van Hattem, the president of the WA Law Society, told the Guardian.

“Once someone has been detained and placed in handcuffs, if there’s not a physical risk there, and it seems very clear from the footage that there isn’t, there seems to be no reason to push him to the ground in that way,” Van Hattem said.

But an internal police investigation into the incident found the officers involved had no case to answer. WA police told the Guardian the review into the incident, which included “the level of force the police officers used”, found it was “necessary and not excessive”.

Though it is not evident in the footage, WA police said the officer had reacted out of a belief that “the male juvenile had spat at them or was preparing to spit at them”.

“This use of force did not result in any injuries being received by the male juvenile or any complaint by him about the incident, a police spokesman said.

But the case highlights what critics say is a lack of transparency and accountability in the way police in Australia investigate alleged excessive force by officers, and reveals concerning details about the way some police treat bystanders who speak out against what they see as unnecessary force.

Neither the CCTV footage nor the internal investigation which followed would have come to light were it not for the fact that police also arrested the witness to the incident, Tanya De Souza-Meally.

In the early hours of 7 July, De Souza-Meally was walking home past Perth station when she spotted the boy and two others sitting on the pavement surrounded by police.

“I overheard this boy sounding kind of distressed. He was saying ‘I want to get home, how am I going to get home’,” De Souza-Meally told the Guardian.

“Then I heard one of the officers said ‘you shouldn’t have been a fucking idiot then’, which made me think he’d probably done something at the [train] station.”



Tanya De Souza-Meally at home in Perth. She was a witness to the incident at Perth train station in 7 July 2018. She was arrested for obstructing police. Photograph: Philip Gostelow/The Guardian

De Souza-Meally watched as the boy, who police said was intoxicated, jumped up and ran from the scene. The officers chased, and caught him about 100 metres down the street. De Souza-Meally followed, and arrived just as the boy was pulled down by the officer.

She said she initially assumed it was because he had been resisting arrest.

“It was only when I got the CCTV that I saw it was completely unwarranted and that he was already in handcuffs,” she said.

The CCTV footage of the incident shows De Souza-Meally appear at the scene only to be immediately confronted by a group of four officers. About 30 seconds after she arrived, and after the boy was already cuffed and pinned to the ground, officers placed her under arrest.

“Pretty much immediately these four cops started swarming around me and yelling at me,” she said.

“They started yelling ‘where’s your ID, where’s your ID’. I tried to calm them down and assert my rights. I said ‘Hold on a second, what offence do you think I’m committing or about to commit because that’s the only way you can ask for my ID.’ They were yelling ‘obstruction, obstruction’.”

After being arrested and placed in handcuffs, De Souza-Meally said she could hear the boy crying out in pain and asked the police to let him up.

“I got a little bit distressed and I was saying, ‘He’s just a boy, you’re hurting him’, pleading with them to do something,” she said.

She alleged: “That’s when [one of the officers] said to me ‘you’re complaining about what we’re doing to him now, but when he’s stealing your purse in the city you’ll be complaining about what we didn’t do to him’, which I remember thinking at the time was just an incredibly racist statement which just goes to show what kinds of stereotypes they have of these kids.”

De Souza-Meally was eventually charged with obstructing police and refusing to provide identification. She said she was shocked when, after she pleaded not guilty, the statements of three police officers from the scene all claimed she had refused repeated requests to move away.

“I was really worried, it was basically my word against these three police officers who were all saying I’d done things I knew I hadn’t done,” she said.

Perth solicitor Nick Terry, who agreed to represent her pro bono as well as enlisting Van Hattem as a barrister, obtained the CCTV footage, which he said was “difficult to reconcile” with the statements made by the officers.

“Tanya was standing there, clearly, as a concerned citizen not interfering at all in what they were doing, simply being a witness so police could be held accountable for their actions. She acted in the way that the community would hope someone would act in the face of such police brutality.”

Terry said he found the use of force against the boy “shocking” and “horrifying”. When the footage was submitted as evidence, the WA police dropped the charges against De Souza-Meally and agreed to open an internal investigation into the use of force against the boy.



Tanya De Souza-Meally: 'It was basically my word against these three police officers.' Photograph: Philip Gostelow/The Guardian

The case comes amid increasing criticism of the use of internal investigations by police. Earlier this month the family of an Indigenous teenager who was slammed face-first on to a pavement by a police officer while being arrested in New South Wales said they would pursue a private prosecution if the officer involved was not charged.

At a press conference, the boy’s mother, father and sister called for an end to “police investigating police”.

WA police said in a statement the boy had been advised of the outcome of the investigation via a letter sent to him via his legal representatives.

Prof Thalia Anthony, an expert on Indigenous criminalisation at the University of Technology, Sydney, said many Aboriginal people felt it was pointless to make complaints about excessive use of force.

“Overall the problem with internal investigations is that even if complaints are lodged through an ombudsman or third party, they ultimately go back to the police to undertake the investigation so there’s no outside body to conduct the process and then no outside body to see how the investigation is conducted,” she said.

“What this means is that Aboriginal people, who are disproportionately affected by the police force, are further alienated from any investigation process because it is both intimidating and unlikely to achieve an outcome in their favour.

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