

News Release from Dirk Nierop, author and publisher of "NSW Police State"
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Police-reform activist battles to prove claim

Police reform activist Dirk Nierop, of Allambie in Sydney, has been battling in court for years to prove he has been a victim of corruption or misconduct within the police force of New South Wales.

Nierop protests on his web site called NSW Police State that he has been victimised and that the police and ombudsman have failed to investigate properly his complaint.

He says police wrongfully arrested him on a malicious assault charge then, after he complained that he had been falsely charged and that his case was not being investigated fairly, victimised him by charging him with other offences.

Dee Why Police, the complaints management team of Northern Beaches Local Area Command, the Police Integrity Commission of NSW and the Ombudsman of NSW investigated his complaint in 2006 and 2007 and determined that he was not a victim of corruption.

Still he claims that police failed to interview witnesses properly at the time of the alleged assault, that the integrity commission failed to investigate his complaint independently of local police, and that the ombudsman closed the investigation before considering a court finding and transcript which proved him innocent of malicious assault.

The District Court in Sydney proved in 2007 that Nierop did not cause the serious injuries which were the substance of the assault charge. The jury found him innocent of malicious assault and the judge dismissed the offence.

Nierop says, "The police investigation of the incident which led to my arrest was inadequate and biased. Some police abused their power and conspired against me with extreme prejudice."

Nierop was the security supervisor at the Surf Rock Hotel in Collaroy on 8 April, 2006, when the incident involving the alleged assault occurred.

He says, "A group of about 20 commandos and footballers and their friends arrived that night and began behaving anti-socially. We asked them to leave the premises.

"One of them, a commando named Shane Bullock, punched me in the jaw."

Bullock, a commando and footballer of Narrabeen, and others in his group began fighting security guards who were trying to make them leave.

Police were called. One of the police who attended the scene, Constable Fiona Pattie, later reported that due to the large number of intoxicated people at the hotel and a need to attend to people behaving anti-socially, she was directed by Sergeant Gill Hough "not to take any statements from persons involved but to record personal details of all persons involved in my notebook and then record the incident and those details in a cops event along with details taken by other police in attendance for referral to the detectives for investigation due to the nature of injuries received by the victim Shane Bullock".

Police reported that they took statements from witnesses after the incident, some of them days after.

Justice Michael Finnane, of the District Court of NSW, Criminal Jurisdiction, summed up the case of Regina versus Dirk Nierop in May, 2007, although the transcript of the sentencing was not released until months later.

The jury found Nierop innocent of the malicious assault charge although they found he had used undue force to subdue Bullock.

The judge agreed with the jury and dismissed the offence saying that Nierop did not have a conviction.

Finnane told the court, "I think it was most unfortunate he was brought before this court."

Ombudsman Bruce Barbour said in a letter to Nierop in June, 2007, "I am satisfied with the NSW Police Force investigation into your complaints.

"We do not need the transcripts of the trial or Judge Finnane's comments and decisions on penalty to complete our assessments of your complaints about the adequacy of the NSW Police Force investigation into the incident in question. We have proceeded to finalise our review of the matter," he wrote.

Doctors said Nierop suffered from a dislocated jaw and a chronic sleeping disorder after the alleged assault and the arrest.

He lodged a claim to the Victims Compensation Tribunal of NSW in November, 2007, to receive compensation for the injury he said he received when he was assaulted in the hotel and for stress he said he experienced during the resulting police investigations and court actions against him.

The tribunal has acknowledged his suffering but has dismissed his claim for victims compensation.

He has appealed against this dismissal and his appeal is to be heard in November, 2009.

Nierop won a court case against the NSW Police in Sydney on 2 October, 2009, a case he says was the result of police harassment.

After a hearing which lasted six hours at Waverley Local Court, the magistrate dismissed the case.

Nierop had been charged by NSW Police under the Security Industry Act with carrying on a security activity without a security licence at the Doncaster Hotel in Kensington on 21 October, 2007.

He allegedly was acting as a crowd controller at the time of the alleged offence.

Police charged him and fined him \$5,500 but he did not pay.

After the court hearing he said, "I believe the police trumped up this charge against me just to harass me and try to keep me quiet."

When his trouble with police began, Dee Why Police charged Nierop on 15 April, 2006, with the alleged assault of Bullock in the hotel at Collaroy.

The District Court of NSW, after a four-week trial in February, 2007, found Nierop guilty of occasioning actual bodily harm but not guilty of maliciously inflicting grievous bodily harm with intent.

At sentencing hearing spread over two weeks in May, Judge Finnane accepted the finding of the jury, dismissed the offence and said Nierop did not have a conviction.

In his sentencing speech, Judge Finnane told the court on May 3, 2007, that Bullock and his wife, Schye, were intoxicated when they arrived at the club in the evening.

Mrs Bullock began arguing with another woman upstairs, the judge said.

Club video recordings showed that Nierop escorted Mrs Bullock from the dance floor without using any force, he said.

"Evidence establishes that Mrs Bullock has frequently been escorted out of this place and of other places," the judge said.

"I am satisfied that at the relevant times, Mr Nierop did not have his hands on Mrs Bullock."

The judge said Bullock then touched Nierop and told him to take his hands off his wife.

Nierop and another security guard then, without using force, asked Bullock to leave the club, the judge said. Bullock refused to go.

"I am satisfied beyond reasonable doubt that he struck at Mr Nierop, flailed around with his arms and attempted to make it as difficult as possible for them to restrain him.

"They were under an obligation to remove him from the premises in view of the way in which he was going on," the judge said.

"They were doing no more than their duty."

The judge told the court, "I am satisfied beyond reasonable doubt that he struck Mr Nierop on the jaw and caused him some harm."

He said that when a barman came to help, Bullock and the barman became tangled with one another and slipped or fell down the stairs and Bullock struck his head on a large jar on the landing.

Bullock suffered from a broken nose and broken eye socket. "It is clear to me that he suffered those injuries as a result of his striking that heavy object, which was full of dirt and apparently a small tree."

Judge Finnane said his opinion was based on the court proceedings which included the testimony of witnesses, doctors and police, video recordings and photographs.

He said the jury, by its verdict, agreed with his opinion. "Their verdict is consistent with injuries having been caused in that way and is inconsistent with Mr Nierop having done anything to cause any injuries to his nose or eye socket.

"I make this plain because there was some press coverage of the matter which suggested that Mr Bullock was the victim of a violent and vicious assault in which his nose and eye socket were broken. That is just not so."

He said security guards exchanged punches with Bullock and his group then "Mr Nierop's punches rendered him temporarily unconscious."

The other guards then removed Bullock from the club.

The judge said, "There is no doubt that the effect of the blows struck by Mr Nierop did not have any serious consequences for him at all."

Nierop, 48, is employed as a security officer by the NSW Government. He also worked part-time as a security guard in the hotel at Collaroy at the time of the alleged assault.

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Official Documents verifying the information in this news release are posted on Dirk's Website at <http://www.nswpolicestate.com>.

The official results of today's court hearing are published at www.wbpublicity.com.au/dn/dismissed.pdf.