

Nierop, Dirk

From: Nierop, Dirk
Sent: Tuesday, 17 March 2009 2:18 PM
To: 'Mark Nolan'
Subject: RE: Final letter signed by Commissioner

Hi Mark and the Hon Jerold Cripps QC

I thank you both for your prompt attention to my email.

This response has given me some insight as to what you require to finally act.

You want me to provide you with examples of corrupt behaviour by the PIC and the Ombudsman. This is going to be quite easy. Here we go. The first one is the killer; the undisputed lynchpin of my whole complaint

- 1)-The ombudsman and PIC accepted the police's reasons outlined in the discredited, delayed and whitewashed internal report conjured up by the blatantly corrupt Inspector Bell for not interviewing the injured, sober barman, the other 3 internal guards, and the 100 or more patrons who saw me attacked was that it was too volatile to interview any witnesses that night. BUT THEY INTERVIEWED CUCA, THE MAIN WITNESS and A FRIEND OF THE COMMANDO, and one of the men I was fighting, AT 2AM-30 minutes AFTER THE INCIDENT!!!! THE SAME NIGHT The PIC and Ombudsman still accepted Bell's dribble, even after I presented the proof from the transcript where Cuca conceded that he was interviewed at 2am on the stand-under oath. PLEASE EXPLAIN HOW THIS IS NOT CORRUPT ACTION BY THE PIC AND OMBUDSMAN. (Even the Honourable QC will struggle with this one.)
- 2)-A Judge from the district court suggested that the PIC be involved and the officer in charge be in jail. PIC failed to act.
- 3)-The PIC and the Ombudsman allowed Inspector Bell to delay his investigation 5 times, that they then said too much time had passed to investigate many of my complaints. Is this a joke??
- 4)-That the Ombudsman said he did not need to read the transcript to assess my complaints, this is after Justice Finnane said that the PIC should be involved and the officer in charge be in jail.?????
- 5)-That the ombudsman said that I could address my many complaints in court. But the judge said he did not want a "trial within a trial". The ombudsman would have known that. The only people the judge wanted to hear from were the people who were there; and the only people who were there were the people the corrupt police cherry picked to be there.
- 6)-The Ombudsman did not think that Detective Mooney saying, after I told her I had received a serious facial injury from the incident and that there were plenty of witnesses, some of whom's number were in my phone, and I quote- "well, I am still going to charge you and if you have any witnesses, they can come and see me later." Can the honourable QC see a problem with this statement, because it was classed as "delirious" by every single lawyer I have spoken to. Hardly an impartial investigation. Why would a detective not want to exhaust all avenues before laying such monstrous charges. Why would the ombudsman think this was "not unreasonable". Because they are corrupt, that's why.
- 7)-That the ombudsman said that placing the biased add in the paper was not unreasonable. The police knew I had been assaulted. They conceded that in Bell's flawed report. Why were charges not laid against Bullock. How is an add for "an assault on a patron" reasonable when they knew I had been assaulted. All witnesses that saw me assaulted would not respond thinking they were after witnesses to another assault. And the ombudsman thinks that's reasonable??? You no the word by now-it start with c

Gentleman

I wrote this email in 10 minutes. If you want more examples of the PIC and the Ombudsman's corruption, then I guarantee I can keep this list going infinitum. 100's and 100's of points laid out as above.

I am a moral citizen who demands that you do the job that you are entrusted with. I am not going to go away. I am not going to take no for an answer. This issue will always be constant. I am growing stronger daily. My support base grows daily. I am engaged in open warfare with the police. I have now had over 100,000 hits on my website. I intend using all funds gained through court action and 3 fulltime jobs, every second of my time and every ounce of my will until this matter is resolved. You now have the corruption clarified as you requested. I expect you to now do your jobs.

Can you honestly say that you are completely comfortable with your subordinates actions? That they have acted properly in this debacle? Are you willing to rubber stamp all they have done? Are you content to live in a democracy where a man who defies corruption is lied to as if he was a fool?

You have to know now how determined I am. You can continue to try and defend the indefensible, or you can take a stand. Over to you sirs

Sincerely yours

From: Mark Nolan [mailto:mnolan@icac.nsw.gov.au]
Sent: Monday, 16 March 2009 2:27 PM
To: Nierop, Dirk
Subject: Final letter signed by Commissioner

Please find attached the ICAC's final decision in this matter

Mr Dirk Nierop


Our Ref: E07/1821
Contact: Mark Nolan
Telephone: 8281 5881

IN CONFIDENCE

Dear Mr Nierop

I refer to the information you provided to the ICAC on 10 March 2009 concerning your allegations against the NSW Police, the NSW Ombudsman and the Police Integrity Commission (PIC). The ICAC has assessed this information in conjunction with the information you previously provided to the ICAC on 28 September 2007, 29 November 2007, and 22 February 2009.

You advised that you intended to pursue the NSW Police for improper conduct in relation to the incident which occurred on 14 April 2006, where, after an incident at a bar where you worked as a bouncer you were charged with using excessive force when evicting a man and a woman for unruly behaviour.

You complained to the ICAC regarding the conduct of the Police in this matter and were informed that Police were outside the jurisdiction of the ICAC (Our reference number E06/0988). You were informed that you may wish to raise the issue with the NSW Ombudsman or the PIC. You then complained that the Ombudsman and PIC were taking no action in relation to the matter. The ICAC then advised that the action you provided did not indicate that they declined to take action for a corrupt reason.

As noted previously, the ICAC can only deal with corrupt conduct as it is defined in the *ICAC Act 1988*. In simple terms, conduct is corrupt when it:

- Results or could result in a public official or agency exercising their functions or authority in a partial or dishonest way, breaching the public trust or misusing information or resources, *OR*
- Adversely affects or could adversely affect the way a public official's duties are exercised and which could involve any of the matters set out in s.8(2) of the ICAC Act, *AND*
- Is serious enough to constitute a criminal or disciplinary offence, or reasonable grounds for dismissing the services of a NSW public official.

The *ICAC Act* also requires the ICAC to focus its attention on serious and systemic corrupt conduct. This means that not all matters involving suspected corrupt conduct will be investigated.

If not corrupt conduct: #As the information you provided does not indicate that corrupt conduct has occurred, the ICAC's decision not to investigate the matter stands. The information you have provided relates to the NSW Police, which, as previously advised is outside the jurisdiction of the ICAC.

Any further correspondence from you will be assessed. However, unless this correspondence contains substantially different information, the ICAC will not be corresponding with you further.

Yours faithfully

Hon Jerrold Cripps QC
Commissioner
16 March 2009

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