

To the Inspector of the PIC
GPO Box 5215
Sydney NSW 2001

Dear Sir,

I have received a letter from the acting Director General of the Cabinet Office of NSW, Mr J.L. Schmidt, stating that if I have concerns regarding the PIC, then I should raise these concerns with you.

Enclosed with this letter is what I deem relevant without overwhelming you with too much information.

My main complaint about the PIC is that after furnishing them with irrefutable, unarguable proof of corruption, they referred the investigation to the very police that I had accused of corruption. They then allowed this "mates investigating mates" investigation to be delayed and delayed until just before trial, and then allowed this absurd report to be presented to the ombudsman. I have yet to hear back from the ombudsman on what their final verdict is on this whole debacle.

Sir, I have been palmed off by the ministry of police, who say contact the PIC, and palmed off by ICAC, who think it is not a big enough issue for them and refer me to the PIC. The North Eastern area police command referred me to the CMT at D.Y and the Ombudsman referred me to the CMT at D.Y.

Even when the police's blatant attempts to set me up were pointed out, I was still forced to go to trial on ridiculous charges, when all I did was defend myself and my barman from elite, TAG east, anti terrorist commandos. The one I injured, (after he king hit me in the jaw), was back playing A grade Rugby League in 3 weeks, yet I still had to go to trial, rather than the local court, where it belonged.

Sir, I believe you are the "top of the tree", and if you can't do something about this conspiracy to pervert the course of justice, then I don't know where else to turn

Sincerely yours


Dirk Nierop



*Inspector
of the
Police Integrity Commission*

Our Ref: C05-07AA

8 April 2007

Mr Dirk Nierop

Dear Mr Nierop,

RE: YOUR COMPLAINT RECEIVED 2 APRIL 2007

**INITIAL RESPONSE FROM THE INSPECTOR'S OFFICE IN
RESPECT OF EACH NEW COMPLAINT**

(1) I acknowledge receipt of your undated letter received on 2 April 2007. Before dealing with the contents of your letter, I have set out hereunder a statement of the role of the Inspector in relation to the limited nature of the complaints in respect of which the Inspector has jurisdiction, so that it will assist you in understanding what are the type of complaints the Inspector is authorized to investigate, and thus whether or not the matters raised by you appear to fall within the Inspector's jurisdiction.

(2) Second, I have also attempted to summarize the practice in New South Wales in relation to the making of police complaints by members of the public, and how those complaints are typically dealt with by the relevant authorities. I have taken that course because of the fact that a high proportion of the complaints that come to the Inspector are in fact complaints against N.S.W. police, and, as such are outside the Inspector's jurisdiction.

(3) As to COMPLAINTS, the effect of Section 89 of the Police Integrity Commission Act, so far as relevant, may be stated in the following terms----

The Inspector's function in this regard is confined to dealing with complaints of abuse of power, impropriety and other forms of misconduct, ON THE PART OF THE

COMMISSION OR ITS OFFICERS, and *these are to be dealt with by reports and recommendations.*

(4) Thus it is clear that the Inspector's powers in relation to dealing with complaints do not extend to dealing with complaints against N.S.W. Police.

(5) In N.S.W., complaints by members of the public concerning police complaints may be made to the Ombudsman, the Police Integrity Commission or directly to the Police. In practical terms the Ombudsman deals with the vast majority of police complaints, usually by overseeing investigation of such complaints by the police themselves. Thus the vast majority of police complaints are investigated by the police, but such investigations are overseen by the Ombudsman.

(6) By way of contrast, the Police Integrity Commission's role is confined to investigating a small number of serious police complaints (perhaps less than twenty per annum) and to overseeing an even smaller number of complaints investigated by the Police at the request of the Commission.

(7) The overall position may be demonstrated by reference, first, to the 2005-2006 Annual Report of the Ombudsman.

(8) During that year, 2131 police complaints were investigated by police at the request of the Ombudsman, such investigations being overseen by the Ombudsman. In a small number of cases, the Ombudsman directly investigates police complaints.

(9) Reference to the 2005-2006 Annual Report of the Police Integrity Commission, reveals that during the same period only 17 serious complaints out of a total number of 666 police complaints assessed by the Commission as serious police complaints were investigated by the Commission, the balance being referred to the Ombudsman for investigation by police under oversight by the Ombudsman. The investigation of a further 9 serious police complaints were referred to the police for investigation but overseen by the Commission.

(10) From the above statistics it will be seen that it is the Ombudsman who has the principal role in relation to the oversight of the investigation of police complaints; and that it is the Police who have the primary role for investigating police complaints, in most cases being overseen by the Ombudsman. The role of the Police Integrity Commission, on the other hand, is in effect confined to investigating a small number of serious police complaints each year.

(11) There is also a category of police complaints which are described as "local management issues". This category comprises less serious complaints such as claims of inadequate service to members of the public. These are dealt with by local commanders without oversight by the Ombudsman, although the latter does carry out random audits of the way these complaints are handled. During the 2005-2006 year, 524 matters were assigned by the Ombudsman to this category.

(12) The statutory office of the Inspector is quite independent of the Police Integrity Commission and is not subject to the Commission in any respect, and where a complaint falls within the Inspector's jurisdiction, the latter is invested with wide

powers (set out in Section 90 of the Act) in order to deal with such complaints, and, as noted in paragraph 3, such complaints are to be dealt with by way of reports and recommendations.

(13) Your letter to the Inspector (undated), which was received in this office on 2 April 2007, was accompanied by a considerable number of documents, which you have not listed. You also enclosed what appears to be a TDK audio cassette, which I am returning to you with this letter. I have not attempted to access the content of the audio cassette, but as it would appear irrelevant to any matter within my jurisdiction, it is better that it be returned to yourself for safe keeping.

(14) In your undated letter to the Inspector, to which I have referred above, your only complaint concerning the Police Integrity Commission is stated in the following terms-

“that after furnishing them with irrefutable, unarguable proof of corruption, they referred the investigation to the very Police that I had accused of corruption. They then allowed this ‘mates investigating mates’ investigation to be delayed and delayed until just before trial, and then allowed this absurd report to be presented to the Ombudsman.”

(15) As I understand the matter, your complaint arises out of an incident which took place at the Surf Rock Hotel, in the Manly area on 9 April 2006. The Police laid charges against you arising out of that incident, and you were convicted in relation to one of those charges, namely, of assault occasioning actual bodily harm, following a trial in the NSW District Court which apparently started in late January and continued for some three weeks.

(16) So far as the role of the Police Integrity Commission in this matter is concerned, I note that by letter dated 9 June 2006 from the PIC Commissioner, to yourself, you were informed that on the 13 June 2006 the PIC had received your complaint contained in correspondence from yourself. That letter advised you, in effect, that the matter would be assessed and you would be contacted in due course. Incidentally, if the date of that letter, namely, 9 June 2006, is correct, it follows that the reference to 13 June 2006 cannot be correct.

(17) The only other document coming from the PIC that you have enclosed is a copy of “authority to refer category one complaint”, apparently signed by yourself on 28 June 2006. I would infer from that authority, that you received a further letter from the PIC advising you that they were of the view that your complaint should be referred to NSW Police for investigation, and to be oversighted by the NSW Ombudsman.

(18) In fact a letter from the NSW Ombudsman dated 14 July 2006 and signed by Ms Banwell, makes it clear that they received notification of your complaint from the PIC on 29 June 2006. As that letter further makes clear, the Ombudsman referred your complaint to the NSW Police for investigation, to be oversighted by the Ombudsman.

(19) You have included a copy of an email from Ms Banwell to yourself dated 2 March 2007, in which she advises that her office has received the investigation report from NSW Police and that she is thus in a position to review and assess the adequacy

of the Police investigation. Further that she would provide you with advice in writing in due course in relation to the Ombudsman's view of that investigation.

He can't see the problem of police investigating themselves.
(20) On the material that I have attempted to summarize above, I have difficulty in seeing the basis for your complaint regarding the PIC. It was within their discretion, having regard to the limited resources at their disposal, to refer your complaint for investigation by NSW Police under the oversighting by the Ombudsman. They seem to have done that without undue delay. Any subsequent delay on the part of NSW Police is therefore a matter that you may wish to take up with the Ombudsman, whose office has been oversighting the investigation.

doesn't care.

(21) I would suggest you await receipt of the Ombudsman's report to you, and in the light of that report consider whether you wish to take your complaint any further. However, at this stage I am unable to see that you have any basis for a complaint against the Police Integrity Commission, and thus it would appear that whatever complaints you do have fall outside the Inspector's jurisdiction.

unbelievable

Yours sincerely



The Hon P.J. Moss, QC
Inspector of the Police Integrity Commission

Enc.

YET ANOTHER WHITEWASH

Your reference:CO5-07AA

24th April 2007

The honourable P.J. Moss, QC-Inspector of the PIC

Re. your response to my complaint

Sir,

Firstly allow me to thank you for bothering to reply. The information you have supplied me has given me a much better scope on the mechanisms of the various watchdogs.

After studying your 21 points, I believe that my particular case has "fallen through the cracks" and that my case meets the criteria for you to investigate this matter further.

Point 21 states that I should await the out come of the ombudsman's report before deciding whether or not to take this further. I have enclosed their letter and my response and feel that their investigation is as lacking as the other investigations.

In paragraph 3, Ms Banwell states that she was of the view that I had the opportunity to bring the matters I had raised up in court. This is testa mount to the lack of research Ms Banwell has done. If she had bothered to study the transcript of the trial, the judge specifically, and in some detail, explained that he did not want a "trial within a trial". There are other channels these complaints are made through, and those channels think I am able to bring them up at court. So you can understand my frustration.

The Judge went very close to referring the head of the police team in my case to the supreme court for attempting to pervert the course of justice when she, (Detective Hennesy), interfered with an independent witness. It was only when he testified to the judge in a closed court, that his evidence would still be given, even though he felt uncomfortable and pressured, that this corrupt officer escaped jail.

Sir, I have been fighting a nest of corruption for a full year single handedly, and the audio tape that had information that would easily verify some of my many allegations has been sent back with out you even listening to it.

I will be forwarding my complaints about the ombudsman's lack of impartiality and neglect of duty to the Joint Parliamentary Committee on the Office of the Ombudsman

Sincerely yours

Dirk Nierop

P.S.

Point 15-my trial lasted 4 weeks not 3

Point 17-I did not expect the police to investigate themselves-Detective Hennesy even told my legal team that "Bobby Bell" sorted it out when challenged about the internal investigation. It is so blatant, I can not believe that no one has done anything about it. I just want someone to explain how such an obviously tainted, biased, clumsy and corrupt investigation, arrest and multiple charges could survive scrutiny



*Inspector
of the
Police Integrity Commission*

Our Ref: C05-07AB

1 May 2007

Mr Dirk Nierop

Dear Mr Nierop,

- 1) Thank you for your letter dated 24 April 2007 which makes it clear that you received my letter to you dated 8 April 2007.
- 2) I note from your letter dated 24 April 2007 that you remain of the opinion that your case "meets the criteria" for investigation by the PIC Inspector. I have therefore reviewed the whole of the material you have placed before me with a view to considering, once again, whether your case appears to come within my jurisdiction.
- 3) As your letter dated 24 April 2007 makes plain, my summary of your complaints contained in paragraphs 14 to 21 of my letter to you dated 8 April 2007, is accepted as an accurate one, subject to a minor point dealing with paragraph 15 thereof. It is important to mention this because it follows that you take no issue with that summary apart from the minor point already referred to.
- 4) I have also read carefully the letter to you from Ms Banwell, Investigating Officer for the NSW Ombudsman, dated 12 April 2007. As that document appears to be an original document, I have made a copy for my file, and return the original to you herewith.
- 5) The effect of Ms Banwell's letter, as I understand it, is that the NSW Ombudsman oversighted the Police investigation into your complaints and concludes that that investigation was satisfactory and adequate. It is not for

me to comment on that conclusion, nor, of course, would I be in any position to do so in any event.

- 6) I have also read carefully what I take to be your written response to Ms Banwell, undated, which I assume you have sent to her to mark your dissatisfaction with her letter dated 12 April 2007.
 - 7) It also appears that you intend to complain, or already have complained, to the Committee on the Office of the Ombudsman and the Police Integrity Commission, arising out of Ms Banwell's letter to you dated 12 April 2007.
 - 8) However, I am unable to see anything in this new material which you have provided to me, which suggests any basis for a complaint by you against the Police Integrity Commission arising out of their decision, which was a matter within their discretion, to refer your complaint for investigation by NSW Police under the oversighting of the Ombudsman.
 - 9) Where the NSW Ombudsman oversights such a Police investigation, the Ombudsman is given specific powers under the Police Act in relation to oversighting such an investigation, for example, Sections 140, 145, 146, and 151, of the Police Act, which do not extend to the Police Integrity Commission. In other words, the Ombudsman has the advantage of possessing these statutory powers to oversight such an investigation, which are not available to the Police Integrity Commission.
-
- 10) It is clear that you believe that you have a serious complaint concerning the way the NSW Ombudsman has handled your matter and the conclusion come to by the NSW Ombudsman. However none of that is a matter for me to comment on.
 - 11) I remain of the view that on the whole of the relevant material I am unable to see that you have any basis for a complaint against the Police Integrity Commission, and that therefore any complaints you do have fall outside the Inspector's jurisdiction.

Yours sincerely



The Hon P.J. Moss, QC
Inspector of the Police Integrity Commission

Enc.

He can't see the problem.
THE PIC allowed the SAME POLICE
I had ACCUSED, to investigate
THEMSELVES.