

Australia: TJ Hickey inquest concludes

Police involvement in death of Aboriginal youth exposed

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A two-week coronial inquest into the death of 17-year-old Aboriginal youth Thomas “TJ” Hickey concluded in Sydney on July 16. In the course of the proceedings, clear evidence emerged of a systematic police cover-up of the circumstances of the youth’s death. TJ died on February 14 after he came off his bicycle and was impaled on a metal fence in the inner-city suburb of Redfern. While police immediately denied any involvement, a number of witnesses saw him being chased by police moments before the fatal crash. The incident sparked a violent clash between Aboriginal residents of Redfern and approximately 200 police.

The coronial inquest, which had a carefully limited scope and is expected to release its findings on August 27, was intended to create the perception of an independent investigation while creating the conditions for a whitewash. Despite this, the evidence presented to the coroner demolished the credibility of the police. After TJ died, police authorities initially stated that police had been patrolling several blocks from where the incident occurred. But four witnesses gave evidence that at least one police vehicle was pursuing the youth moments before his fatal crash, while the officers’ evidence was marked by repeated contradictions, inconsistencies and evasions. After weeks of denials that they were chasing, or even following, TJ, police officers admitted for the first time that a police vehicle had entered the Renwick Street laneway, metres from where he crashed.

The collapse of the police cover-up has exposed not only the four officers implicated in TJ’s death, and the senior New South Wales police who facilitated their lies, but also the political establishment. State Labor premier Bob Carr declared at the time, “I have made it very, very clear right from the start, our full 100 percent backing for the police in Redfern—there can be no doubt about that.” Prime Minister John Howard claimed that there was no evidence of a police chase. “I think the allegations that have been made against the police are unreasonable and I defend very much the position of the police in a situation like that,” he said.

Police account collapses

From the outset of the coronial inquest, it was apparent that the police version of the events surrounding TJ Hickey’s death was so implausible as to be ridiculous. On February 14, a large number of police had been patrolling Redfern in search of a suspect alleged to have committed a violent bag snatch outside Redfern train station earlier that morning.

The police line, which they maintained throughout the inquest, was that while two police vehicles crossed TJ’s path only moments before his fatal crash, none of the officers involved took any interest in the youth, and at no stage pursued or followed him. All of the police involved argued that it was purely coincidental that after seeing TJ, they changed route and headed in his direction.

The two vehicles involved, known as Redfern 16 and Redfern 17, were

searching for an Aboriginal suspect who was wearing dark coloured clothing. Just two minutes before they saw TJ, the four officers in the two vehicles were told through police radio that the suspect had been seen with another person. When they saw TJ, who was wearing dark clothing and cycling extremely quickly without a helmet, he was riding from the location where the bag snatcher had been sighted. The police maintained that despite these circumstances, they immediately dismissed TJ as a potential suspect.

TJ also had an outstanding arrest warrant, and had been previously identified by Redfern police as a “high risk suspect”. The police first compiled a profile on him last July. This was updated just three days before his death, and was posted in the meal room of Redfern police station. All four officers denied having ever seen the poster, or having heard of TJ Hickey.

The officers’ claim that they simply continued on their general patrol after first seeing the youth is further undermined by the subsequent route both vehicles took. Redfern 16 was driving north on Cope Street when TJ sped across their path, through a car park into Renwick Street, which runs parallel to Cope. The police vehicle then took the first available turn south into Renwick Street, away from the location where the alleged thief had been sighted, but toward TJ.

As Redfern 16 entered Renwick Street, they passed Redfern 17, which had just patrolled the street. Neither of the officers in Redfern 16 have explained why, if they were merely on general patrol, they chose to enter a dead-end street that had just been searched by another vehicle.

At the bottom of the Renwick Street cul-de-sac, Redfern 16 mounted the kerb, and continued down an 88-metre long pathway. A gate at the end of this path blocked the vehicle, though TJ was able to cycle through a pedestrian entrance, after which he crossed the road and was then impaled on the metal fence alongside the driveway of a high-rise public housing estate. Four separate witnesses saw Redfern 16 approach the gate at the end of the pathway as TJ shot through the pedestrian entrance. The police vehicle then did a u-turn and headed back up Renwick Street.

The police in Redfern 17 had seen TJ cycling through the car park from Cope Street as they were heading north from the bottom of Renwick Street. After they passed Redfern 16, they also headed south in TJ’s direction, and arrived alongside the metal fence just two minutes after he had crashed.

Lies and evasions

The police officers who saw TJ in the moments before his death failed to provide the coronial inquest with any plausible explanation for their actions. Supported by their senior officers, the four police determinedly stuck to their story that they were not following TJ, despite all the contrary evidence.

On the fourth day of the hearings, by which time it was apparent that

things were not going well for the police, Senior Constable Michael Hollingsworth, the driver of Redfern 16, abruptly refused to testify on the grounds that he may incriminate himself. The state coroner John Abernathy issued an order under the Coroners Act that Hollingsworth's objection to testifying could only be reported if the media stated that the officer's fear of self-incrimination related only to the possibility of disciplinary action by the Police Commissioner. Abernathy's order specified that: "No inference adverse to Senior Constable Hollingsworth is permitted to be drawn from his refusal to give evidence in the inquest."

The coroner refused to force the witness to testify, on the grounds that there was no point in the court hearing Hollingsworth's evidence because his three previous statements contained contradictions. "There is always the need for an honest, accurate and reliable account from material witnesses," the coroner declared. "Would I be confident that I get that, should he step into the witness box? Frankly, it is difficult to feel confident that I would, because the versions he has given are self-contradictory and not susceptible to resolution to an appropriate standard."

Among the unresolved contradictions in Hollingsworth's statements is the question of whether he ever saw TJ in Renwick Street. In his initial statement, made just hours after TJ's crash, Hollingsworth wrote that he saw the youth approximately 50 metres ahead, as he entered the cul-de-sac. In an interview with investigating police conducted a week later, the officer denied seeing the youth in Renwick Street. In a video-recorded reenactment conducted shortly after this interview, he claimed that he could not remember whether he had seen TJ.

The inquest heard that both Hollingsworth and his partner in Redfern 16, Constable Maree Reynolds, falsely claimed in their initial statements that they had performed a u-turn at the bottom of the Renwick Street cul-de-sac. Both officers attempted to cover up the fact that they had mounted the kerb at the bottom of the street and continued down the pedestrian pathway in TJ's direction.

This was a critical omission, the importance of which both officers well understood. By the time the two constables typed up their initial statements, they knew that witnesses, including TJ's cousin Roy Hickey, had told the Hickey family that they had seen police chasing TJ.

Constable Reynolds denied that she and Hollingsworth had conspired to provide matching false statements. The omission, she maintained, was simply an "oversight". It was a "coincidence" that both she and her partner made the same mistake.

Reynolds, and her colleagues in Redfern 17, Constables Ruth Rocha and Alan Rimmell, admitted that, together with Hollingsworth, they all had a discussion about what they would include in their statements. Rocha conceded that a detective-sergeant at Redfern station gave them advice on how to best refute the allegation of a pursuit. The four officers then typed up their statements at the same time and in the same room at the police station.

Senior police played a critical role in assisting the cover-up. Inspector Robert Emery had arrived at the metal fence approximately 10 minutes after the first police were at the scene. After speaking with Superintendent Dennis Smith, the two men made the important decision not to classify TJ's crash as a "critical incident".

Any case where police are involved in a death or serious injury is routinely classified as a critical incident. Once this classification is decided upon, every officer involved is immediately separated, and a recorded interview is conducted. These measures are designed to reduce the possibility of police collusion.

Under cross examination, Inspector Emery admitted that his decision not to classify TJ's crash as a critical incident was made on the basis of the four officers' denials that they had been chasing the youth. The inspector's assessment was made before he had even spoken with any of the civilians on the scene, which included one of the key witnesses, Roy

Hickey.

Also in the crowd was Danny Allen, who had seen TJ catapult off his bike onto the fence. Allen told the coroner that he had asked one of the female officers who first arrived at the scene whether they had been chasing the youth. The officer reportedly replied that they had been following him in an attempt to determine who he was. Both Rocha and Reynolds denied making such a statement.

The inquest's bias in favour of the police was strikingly demonstrated in the contrasting treatment of the police and the witnesses. The police officers' testimony was never seriously challenged by the counsel assisting the coroner, Elizabeth Fullerton, and only briefly examined by the Hickey family's lawyer, John Stratton.

In sharp contrast, the counsel for the NSW police service, Patrick Saidi, was permitted to aggressively challenge every witness. Danny Allen was accused of being a liar and publicity seeker. The police lawyer repeatedly tried to confuse and trip up the witnesses, who were forced to pinpoint exactly when and where they saw various things. While the police repeatedly answered "I can't recall" to even the most straightforward questions, witnesses who failed to remember a single precise detail had their entire credibility challenged.

Saidi argued that the police "should not be condemned, they should be commended", and that the "minor inconsistencies" in their accounts should be attributed to "frailties of the human mind". A more sophisticated but no less insidious summation was provided by Fullerton, who told the coroner that it was likely that "at some point ... [the police] decided to follow him as a subject of genuine interest," but at no time were the police chasing or pursuing TJ. She declared that there was no evidence that the youth "was conscious of their presence at all" and the "probabilities do not favour that police activities had either directly or indirectly led to the death".

These comments, which are likely to form the core of the coroner's ruling, demonstrate the real nature of the coronial court. Far from being a neutral and objective body, it is in fact another component of the state apparatus that enforces the oppression of Aboriginal and working class youth like TJ Hickey.

Australian history is marked by periodic state investigations into Aboriginal deaths, none of which provide justice, and all of which serve as mechanisms to cover over the central historical issues of poverty and dispossession. The Hickey inquest is part of a long line of state cover-ups, taking its place alongside the 1989 Royal Commission into Aboriginal deaths in custody, and the 1994 Criminal Justice Commission investigation into the police murder of 18-year-old Brisbane youth, Daniel Yock.

Social crisis concealed

The coronial inquest, which purported to be a thorough investigation of the causes of TJ Hickey's death, gave no consideration to the social and economic crisis facing Aboriginal youth in Sydney. To raise these matters would necessitate the indictment not just of the police officers immediately involved, but of the entire political establishment.

The inquest heard nothing about TJ's impoverished life. He had moved to Sydney just months before his death, from the impoverished country town of Walgett. After struggling to develop his reading and writing skills, TJ dropped out of school early. The only work he found in Walgett were casual and menial agricultural and labouring jobs. In Sydney, he was unemployed.

The inquest also failed to hear any testimony from Redfern Aborigines about the constant harassment and intimidation inflicted on the community by the police. TJ Hickey experienced first-hand the police brutality that is the state's response to social inequality and mass unemployment among young people. After he arrived in Sydney last year, he was picked up for a crime he did not commit, and was assaulted by the police.

TJ's past experiences explain why he was cycling away from the police "like a bat out of hell", as one witness put it. The coroner, however, heard his assistant maintain that there was no evidence that TJ was even aware of the police following him, while Hollingsworth's lawyer claimed that the youth had "a particular type of personality" for which "thrill seeking was the aim of the game".

The inquest's failure to even acknowledge the possibility that poverty, social disadvantage and the long record of police brutality were factors in TJ's death is a result not merely of the strictly constrained role of the coroner's court, but is more fundamentally a reflection of the death of social reformism in Australia. The official response to TJ Hickey's death and the subsequent riot, from the media and from every established political party, was to vilify the Aboriginal people for their own plight, and to reject the very idea that the events in Redfern were an expression of underlying social and economic problems.

All capitalism now has to offer young Aboriginal and working class people is the promise of further police repression. Before the inquest had even finished its hearings, the state Labor government announced a massive increase in police numbers and resources for Redfern. Under the so-called Redfern crime plan, 56 additional officers will be sent to the suburb, and a new \$6 million, seven-storey police "super station" will be constructed.

The government also announced the formation of a 46-member riot squad, "available to respond en masse to incidents of civil disorder, public order management and major incidents as required". Additional riot training and equipment will be provided to Redfern police, as well as neighbouring commands.

The government will review its Redfern police plan in six months, and has promised to further increase spending and resources if it is deemed necessary. Police Minister John Watkins said additional spending may be announced even earlier. "There will be recommendations that come from the coroner and also from the Upper House's inquiry [into policing in Redfern] and due consideration and action will be given to those recommendations," he declared.



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