

New Zealand judge criticises violent police culture

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A New Zealand District Court judge last month felt obliged to condemn the prevailing police culture in South Auckland as “sick”. The case, which involved a police assault on a teenager, is a symptom of what is taking place in working class areas throughout the country.

Successive Labour and National Party governments have responded to deepening social problems by imposing tougher “law-and-order” measures. The result is a climate of police intimidation and violence directed at youth in particular.

In the course of the case, the prosecution tendered evidence that included staged photographs of machete-wielding officers making death threats, and the photographing of young suspects made to wear demeaning signs. While not as extreme, the images echoed those of Iraqi detainees tortured in Abu Ghraib jail. The purpose was the same: to degrade and humiliate.

Judge Bruce Davidson found Senior Sergeant Anthony Solomona guilty of a serious assault on a 17-year-old young man at a service station in the suburb of Manurewa in February last year. He ruled Solomona had erred in arresting Angelo Turner for repeatedly using “a common swear word” after Solomona drove into his car.

Solomona told the court he had arrested Turner to calm down what he claimed was an increasingly volatile situation with a group of youth. But Davidson said Solomona’s evidence had been unconvincing, exaggerated and designed to create the picture of an inflammatory situation. Why Solomona had not simply apologised for hitting the car was “beyond comprehension”, the judge said. Turner had done nothing, the court concluded, to justify his arrest for breach of the peace.

Prosecutors said Solomona smashed Turner’s head into the lights of his police car while arresting him. Descriptions of the assault by the victim and witnesses showed that Solomona had used both his official position and physical size to frighten and intimidate the youth. As a result of publicity surrounding the court case, the parents of another teenager allegedly assaulted by Solomona appeared on television, saying they had been too terrified of the repercussions to lay a complaint at the time.

While acquitting Solomona on three further assault charges, and one charge of assault with a weapon, Davidson condemned the “disturbing police practices” brought to light during the hearing. These included the photographing of a 15-year-old boy

wearing a sign that read “I belong to Senior Sergeant Solomona” and the coercing of letters of apology from suspects.

The judge lifted a suppression order on one photograph produced during the hearing. It showed an officer in uniform with his face obscured by a balaclava, brandishing a machete and axe while standing beside a sign saying “RIP to Section IV”. Solomona, who headed Section 4 at the Manukau-Wiri police station, told the court the photograph was taken in front of his own locker by someone “unknown” and had sat on his desk for about two years. He said he had found the picture “quite amusing”.

Sergeant John Nelson told the court that taking such pictures was common in police stations across New Zealand. He claimed that the practice, which was “unlikely to be understood by the average citizen,” was a matter of “police culture”. “You get accustomed to it as your time in the police increases,” Nelson said.

Judge Davidson said the practices—which he accepted were widespread, especially in the South Auckland area—were “as sick as the joke”. The authorities, however, promptly dismissed the affair as an isolated case. Davidson himself chose not enter a conviction against Solomona, but instead allowed his lawyer the opportunity to file submissions for a discharge without conviction.

A limited inquiry, designed to whitewash the police, was set up, headed by a former High Court Judge, Sir David Tompkins. Its terms of reference do not provide for a full, independent examination into police practices. They were restricted to the Counties-Manukau Police District around South Auckland. Solomona will not be questioned nor will the inquiry pursue any criminal offences, which will be left to the Police Complaints Authority.

The partial character of the inquiry soon became clear. Inspector Pieter Roozendaal, who was seconded to assist the investigation, was compelled to step aside after TV3 revealed he had been the subject of a complaint in 1988. He asked a man who had been in custody for hours and had been strip-searched: “Have you had your beating yet?” Roozendaal, now manager of “police professional standards” in the North Shore/Waitakere/Rodney District, claimed he was exonerated,

but accepted he had used words which were construed as “inappropriate humour”.

After the investigation was announced, it was discovered that one of Auckland’s top police officers had sent out a special memo telling staff to “dob in” the “traitorous actions” of any colleagues who leaked stories to the press. In a special edition of the internal newsletter CoMmunique, Counties Manukau District Commander Steve Shortland criticised staff who “feel the need to sneak off to the media and let their work mates and police all over the country down”. The memo called on officers to “expose” anyone suspected of leaking information.

These entrenched police practices occur within a definite social and political context. It is no coincidence that the centre of many of the complaints is the impoverished working class area of South Auckland. As their economic restructuring policies have produced deepening poverty and unemployment, Labour and National Party governments have increasingly resorted to “law-and-order” demagoguery to stigmatise the poor and justify heavy-handed policing practices, tougher sentencing and the abrogation of basic democratic rights.

The country’s chief justice recently noted that in the past 20 years crime rates have risen sharply and that between 1985 and 1999 the prison population had expanded by 99 percent. So pervasive is the logic of “law-and-order” in ruling circles that the police commissioner faced a barrage of criticism last month when he reported an 8.2 per cent *fall* in recorded crime in 2004. A raft of media commentators, politicians and the police union accused him of yielding to political pressure and manipulating the figures.

Further calls for more police followed a recent spate of mishandled emergency calls—highlighted by the disappearance of a young woman who was sent a taxi, which never arrived, after dialling 111 in a distressed state last October. Understandable concerns about the reliability of the emergency callout system and claims about unsolved crime rates are being channelled into a new “law-and-order” offensive by the media and various civil leaders. The police union is calling for 2,000 more officers to bring New Zealand up to police-to-population ratios in other countries.

Central to the protracted campaign are exaggerated claims about an explosion in “youth crime”. The opposition National Party is exploiting the issue in the lead up to elections later this year. Opposition leader Don Brash has outlined a “youth justice” policy for the Youth Court to issue “parenting orders” to parents whose children have been involved in crime or truancy. The orders would require parents to attend regular counselling and parenting skills sessions or face punishment, including a possible \$2,500 fine. The Nationals would also lower the age of criminal responsibility from 14 to 12.

Not to be outdone, Labour’s Justice Minister Phil Goff said the government is already monitoring a British system on which National Party’s policy is based. An editorial in the *New Zealand Herald* welcomed the plan, noting it was “worthwhile

putting it into the political arena”. The newspaper noted that “on its previous performance” Labour could be expected to pick up the proposal in some form “the next time a bad case of youth crime hits the headlines”.

Since coming to office in 1999, the Labour government has increased the number of police officers from 7,027 to 7,551 and boosted police funding by 20 percent from \$NZ840 million to \$1,060 million.

In response to Judge Davidson’s criticism, Goff has sprung to the defence of the police, declaring that the 47 police disciplined last year for misconduct represented only 0.5 percent of the police force. The recent revelations, however, provide only a small glimpse into police methods. The police commissioner himself noted a substantial increase in complaints against the police in recent years, but blamed it on a greater preparedness of people to lodge complaints.

Last year 2,369 complaints were accepted for investigation, as compared to 3,290 complaints in 2000-2001, 1,825 in 2001-2 and 2,194 in 2002-3. Only a small proportion of cases handled by the in-house police complaints system are upheld—typically between 10 and 12 percent. In 2003, of 2,393 investigations completed, only 242 were upheld while 75 were conciliated and 879 rejected. The overwhelming majority of complaints remain “under investigation” more than a year after they were lodged.

Those trying to make complaints face police hostility, indifference or deliberate cover-ups. Some of the more serious cases have only been pursued officially after the victims went to the press. Last year a West Coast man successfully sued police and was awarded \$35,000 after appearing on television alleging four officers brutally beat him and threatened him with arrest for no reason. Last week, the family of a Nigerian-born man, who died of a brain haemorrhage three months after allegedly being beaten by an off-duty police officer, held a public demonstration to expose police attempts to bury the matter.

A current rape case against Assistant Commissioner Clint Rickards and two former officers also suggests that more than a handful of “rogue” cops are involved. Louise Nicholas went to the *Dominion Post* newspaper early last year alleging that as a teenager in 1986 she was raped by the three men, who were then serving at the Rotorua police station. The trio deny the charges, claiming their sexual activity had been consensual. But the police service has suspended two other senior officers who are separately accused of having failed to properly investigate Nicholas’ original complaint.



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