

Australia: Coroner criticises police over Brazilian student's death

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After a two-week hearing in October, the New South Wales Coroner's Court on November 14 released its report into the death of Roberto Laudisio Curti, a 21-year-old Brazilian student.

Curti, who was not armed, died after being tasered up to 14 times and capsicum-sprayed while handcuffed and held on the ground by police officers in Sydney just after 6 a.m. on March 18. Before being chased by 11 officers, he had allegedly taken two packets of biscuits from a city convenience store (see: "Australian police Taser attack kills Brazilian student").

CCTV footage, Tasercam logs and statements from passers-by presented to the hearing confirmed that the young man may have been behaving erratically, but posed no threat to anyone.

Coroner Mary Jerram said the actions of officers involved were "reckless, careless, dangerous and excessively forceful ... [and] an abuse of police powers, in some instances even thuggish." Police officers had displayed "an ungoverned pack mentality, like the school boys in *Lord of the Flies* ... with no idea of what the problem was, or what threat or crime was supposed to be averted, or concern for the value of life."

Curti had taken LSD but "his only foes during his ordeal were the police" who "made no attempt" to consider his mental state, Jerram's report stated. "There is not a shred of evidence to suggest that he would have caused any harm, other than to himself."

Jerram said a probationary constable used his stun gun in a "wild and uncontrolled" manner. One officer lay across Curti's back, another knelt on him, and

others held his arms and legs as he was repeatedly tasered by two officers while another pepper-sprayed his face.

The Tasers were used in "drive-stun mode", which is banned in parts of Australia and the US. This involved discharging the high-voltage weapon directly to Curti's naked upper back.

The coroner said testimony to the hearing from officers involved was self-serving and riddled with contradictions. Senior Constable Damien Ralph, for example, "changed his evidence more than once," while attempts by Inspector Gregory Cooper to "exonerate himself and blame more junior officers" were "little short of contemptible".

Notwithstanding these damning indictments, the coroner found that Curti died of "undetermined causes". She rejected calls by Curti's family for police to be charged over the death. Jerram said the evidence presented was not sufficient to establish a "clear cause of death" or meet the standards required for a criminal prosecution.

Instead, Jerram called for five officers to "be referred for disciplinary action" by the Police Integrity Commission. In other words, the "reckless" and "thuggish" behaviour should be dealt with by the NSW police force itself.

The coroner, moreover, did not call for Tasers to be withdrawn from use but recommended a review of police procedures and training relating to Tasers, capsicum spray, handcuffing, restraint and positional asphyxia.

three times.”

NSW Liberal Premier Barry O’Farrell immediately backed the findings, as did the state opposition Labor Party and Police Commissioner Andrew Scipione. The police chief declared that Tasers would remain a vital option in a police officer’s arsenal.

According to a police spokesperson, the five criticised officers could not use Tasers until they attended “training and assessment courses”, but remained on active duty. The outcome of any police investigation “could be years away”, the *Sydney Morning Herald* concluded.

Curti’s brother-in-law, Mike Reynolds, said the family were “still in shock” but wanted legal action taken against officers involved in his death. “We will continue to push for those responsible to face the consequences for their appalling behaviour on that night,” he told reporters. “By doing this, we hope to prevent other young people and their families from suffering the way we have.”

Last month, the NSW Ombudsman released a report entitled, “How are Taser weapons used by the NSW Police Force?” It reviewed over 550 incidents between June and November 2010 and found that the high-voltage devices were used inappropriately by officers on 80 occasions. In 27 cases, police were not under serious threat and should not have fired the weapon at all. Police had tasered people who were handcuffed or fleeing, in some cases repeatedly.

Yet, the report insisted that Tasers “provide an effective tactical option” and that their use has “largely been consistent with operational procedures and policies.” Like the coroner’s report, it gave the green light for Taser use to continue, with some changes to police procedures and training.

On the same day that the coroner’s findings were handed down, a Queensland coroner’s court released its report into the death of Antonio Galeano in June 2009. The 39-year-old mentally ill man was tasered up to 28 times by police during a domestic dispute, and died 10 minutes later. Police initially claimed that they had only discharged the high-voltage weapon “two or

Coroner Christine Clements ruled that the Tasers did not contribute to Galeano’s death, rejected calls for prosecution of the police officers involved, and called for various changes to operating procedures.

Curti’s death is the fifth associated with the high-voltage weapon in Australia. The ongoing roll out of Tasers by state and federal governments—Liberal-National and Labor alike—ensures there will be more. Tasers are now available to frontline police in Queensland, NSW, Western Australia and the Northern Territory, and specialist officers in all other states.

When Tasers were first introduced, governments claimed they would be used as a “last resort” to “save lives” by avoiding the use of guns. In fact, Tasers are deadly weapons and have become a “weapon of choice” for police in many situations. Their increasing use is part and parcel of the boosting of police powers and resources as the social tensions produced by unemployment, poverty and deteriorating living standards become more explosive.

The authors also recommend:

Australia: Man dies after being tasered by police
[3 July 2009]

Police use Tasers as “weapon of choice”
[9 October 2010]



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