

Heavy-handed cop vows to return

By Mel MacMillan

Eyewitnesses to a failed drug arrest that took place in Nimbin's Rainbow Lane are accusing police of violent and heavy-handed tactics.

Witnesses say that at approximately 3.15pm Tuesday 14th June, just as school finished, three detectives got out of an unmarked police car in front of The Rainbow Cafe on Cullen Street, Nimbin. The detectives entered Rainbow Lane, where they were said to have witnessed a local youth conducting a drug transaction with some tourists.

The male detective was seen to grab the youth around the throat and throw him heavily onto a picnic table. He then pushed him to the ground and dug his knee into the youth's chest. Witnesses say that at no stage did the detective identify himself.

A crowd of around thirty closed in on the scene and began heckling the detectives. Some members of the crowd attempted to pull the police officer off the suspect, while others shouted for the youth to run. The youth was able to break free and made his escape. The three dishevelled detectives were seen leaving the scene in pursuit of the youth, one carrying a

plastic bag containing what is believed to be marijuana.

"The detective latched on like a pit-bull terrier," said Michael Bayles, owner of the "One Mob" clothing label, who was one of the witnesses. "There were two other detectives with him, two women, but it was the male one who was very aggressive. He was pinching his windpipe so he couldn't breathe."

Mr Bayles expressed further concern that the incident was witnessed by at least a dozen children under the age of ten. "We are a community who self-police, you don't just come in here full of aggression, you don't behave with such violence in front of our children. How can we teach them to respect the police when they behave like this? I've seen this all before. It's just like Redfern, and that ended up with a kid getting a stake through his throat."

Nimbin Duty Officer Inspector Gilbert said, "The detectives were in Nimbin looking for a suspect in regard to a bank robbery that took place earlier in the day. They witnessed a drug transaction and then attempted to move in to make an arrest. The detectives were spat on, which I think is appalling."

When questioned about



Laneway visitors. Plain clothes police and council employees at bottom.

accusations of heavy handedness, Inspector Gilbert said, "I have no information to support that." Curiously, neither the *NGT* nor *The Northern Star* had any trouble getting information.

Despite a determined pursuit of the youth by car through the streets of Nimbin, at speeds some residents described as dangerously high, police were unable to apprehend the suspect and no arrest was made on the Tuesday.

Return Visit

Witnesses say the same three detectives, one whom was identified as Detective Max Tutt, returned to Rainbow Lane two days later on Thursday 16th June, at approximately 12.15pm, with back up of around 8 or 9 uniformed police. On this occasion they made two successful drug related arrests and also arrested Michael Bayles.

Mr Bayles' picture had appeared in *The Northern Star*

newspaper that morning, along with an interview he had given in regard to events that took place in Rainbow Lane two days earlier. It is believed police identified him from that photograph in regard to some outstanding charges and came to Nimbin in order to charge him.

He was also charged with "hindering." Mr Bayles said that he was not hindering police in their efforts to arrest the two young males, but felt that Detective Max Tutt was using

excessive force.

He said the youths did not resist the detectives' efforts to make an arrest, yet this detective placed one of the youths in a choker hold. Mr Bayles said he was simply asking Detective Tutt what was going on and why was he being so aggressive.

Later that Thursday at Nimbin police station Mr Bayles said Detective Max Tutt asked him to deliver a message to Nimbin: "I will be back, every f...ing week."

Long-term Mt Nardi resident and Vietnam vet Michael Wright observed in a letter to the *NR Echo* (23/6/05), "Every time Detective Tutt comes to Nimbin, there are problems," citing a common lack of "standard operating procedure." Nicholas Shand's memoir recalls Tutt's involvement in a police lockdown on the whole of Mullumbimby and the shooting of water tanks, for which Tutt later faced charges.

At the police-community consultation in Nimbin a week later, at which the laneway incidents were discussed in detail, Area Commander Bruce Lyons gave assurances of his support for anyone who had allegations against officers under his command to come forward. "I will assist them to place their concerns before the Ombudsman," he said.

Police consult with community

Senior members of the Lismore police force, Inspector Bruce Lyons, Detective Inspector Annette Langford and Police Intelligence Analyst Michelle Kelly, met with around 40 members of the Nimbin community on Wednesday, June 22, to discuss policing issues in Nimbin. Also in attendance were local police officers Sergeant Gary Atkins and Senior

Constable Tim McCabe.

Caroline Cowley from the Community Centre chaired what many said was a positive discussion. Members of the Nimbin community set the agenda and had the opportunity to direct

questions to the police. Those in attendance identified violence as the most important issue facing the community and much of the discussion centred around this issue. Some of the concerns raised were about: repeat violent offenders who are still at large within the community, violence at night time, drink spiking and sexual assault, the notion of community policing, police response times between Lismore and Nimbin, lack of police presence on the streets, and the culture of not reporting violent crime.

Also of community concern was the incident in Rainbow Lane on Tuesday 14th June,

in which a detective was seen to have used what witnesses say was excessive force in his attempt to make a drug-related arrest. (see separate report) Inspector Lyons said that no-one in the community of Nimbin had yet made a formal complaint about this incident.

Police went on to express their frustration at the unwillingness of Nimbin locals to report violent crime. Michelle Kelly said police believe perhaps as much as 75% of violent crime in Nimbin goes unreported. Without the statistics to prove the frequency of such crimes, the police are unable to get the necessary resources

to tackle violence, such as more police located at the Nimbin station.

There was enthusiasm by those in attendance to address some of the issues raised on the day by holding a "community round table." Details for this are yet to be finalised.

The Police Community Consultation Committee meets on the 1st Tuesday of every second month at the Youth Club within the Community Centre Complex. All members of the community are welcome. Contact Caroline Cowley at the community centre on 6689-000 for more information.



Strategy. Country Energy staff preparing their poles for the installation of security cameras. See story page 8.

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