

OUTLINE OF EVIDENCE OF AUNTY DOREEN LOVETT

HEARING BLOCK 4 6 MARCH 2023

BACKGROUND

- 1 My name is Aunty Doreen Lovett. I am a proud Gunditjmara woman. I was born and raised in Fitzroy.
- 2 I am a mother of four – I have three daughters and one son. I am a grandmother of ten.
- 3 My family has been instrumental in setting up organisations in the community. In particular, I used to work in Victoria's criminal justice sector. Racism and police brutality has always been an issue with our people. Its rolling over to the next generation.
- 4 I want to see the violence that they perpetrate, particularly during arrests, stopped.
- 5 I have also worked in the alcohol and drugs sector for over a decade and have been a board member of the Victorian Aboriginal Health Service.
- 6 I currently sit on the Board of Ngwala Willumbong, the Aboriginal Advancement League and the Weeroona Trust Cemetery.
- 7 I am telling the story on behalf of my son, Tommy Lovett-Hudson, who was a victim of police brutality in 2016. This violent incident has had severe and ongoing effects on Tommy and our family.
- 8 He does not feel confident enough to tell his story to Yoorrook himself due to the trauma inflicted upon him by the police. I am here with Tommy's knowledge and support to tell his story, and to explain the impact of the incident on Tommy and our family.

INCIDENT

- 9 I was working on Hoddle Street. I got a call that Tommy had been pinched by coppers.
- 10 Later on, I found out how Tommy had come into contact with the police.
- 11 On 5 April 2016, a [REDACTED] vehicle was rammed by a stolen vehicle at Elm Street, Preston, heading towards Northland Shopping Centre. The pursuit was ultimately called off as the vehicle entered the Shopping Centre at high speeds (which was captured on CCTV) and exited heading east on Southern Road.
- 12 The male driving the car was described as "*Aboriginal, black jacket, light coloured track pants, red cap, approx. 40yo, with a goatee.*" by the officers who were rammed. A copy of the notes from the radio communications is available at **Annexure 1**.
- 13 Tommy was 18 years old at the time of the incident.
- 14 The detectives came to our house and asked for Tommy by name. When they came to the house, the others said Tommy wasn't there, because he wasn't. We don't know why the detectives came to our house specifically, other than we are Aboriginal, and live relatively nearby. But so do lots of other Aboriginal families.
- 15 When Tommy arrived home, he saw a white male in a suit in front of his house. He was returning home after visiting his girlfriend who resided nearby. He was traveling on his scooter with his backpack which contained a gaming consol.

- 16 He scooted off, he was scared. He knew he'd done nothing wrong. The Detective said "*don't make me chase you*" – it was a threat. They chased him, blood boiling, adrenaline up.
- 17 As he was scooting away, Tommy saw a marked police vehicle rolling up and asked them for assistance, before being transported back home to the Detectives. It's clear that he was very scared of the Detectives.
- 18 Tommy was arrested by police, even though he had done nothing wrong. The arrest notes said that Tommy was 'a skinny handcuffed male' who they 'could easily control'. A copy of the arrest notes are at **Annexure 2**.

Police awareness that Tommy did not match the description of the suspect

- 19 Four of the police officers who were present at the incident stated that at the time of the arrest they did not think Tommy was the person they were looking for. The notes from the radio communications at **Annexure 1** demonstrates that [REDACTED] stated:

"got Tommy LOVETT now, probably not the male in the car. Request a mob number from 850 re CCTV still. Description given no facial hair, 18yo Aboriginal male."

- 20 A copy of the police statements of [REDACTED] and [REDACTED] are at **Annexures 3, 4, 5 and 6** and state that Tommy did not match the description of the offender the police were looking for.

- 21 The statement of [REDACTED] at **Annexure 6** states in relation to Tommy's arrest:

"I was not sure why I was being directed to arrest this male, as he did not match the description of the offender broadcast for the police ramming, but was unsure if the male was wanted for a different offence or warrant or similar."

- 22 Other police statements suggest that the some of the police officers might have believed that Tommy was the person for whom they were searching, at least for a short time.
- 23 The statement of [REDACTED] at **Annexure 7** suggests that this officer believed that Tommy was the suspect as he fit the criteria. It says:

"Further information was received in relation to a sighting of a male that had matched the description of the male who was allegedly involved in the ramming".

- 24 However, the only criteria that Tommy actually fit was that he was Aboriginal.

- 25 The statement of [REDACTED] at **Annexure 8** justified the arrest as follows:

"As I was monitoring the radio, I observed a male walking towards the property. I immediately recognised this male as Tommy LOVETT. Tommy LOVETT is an aboriginal male, who I believed at the time was aged in his early twenties. He was wearing a black cap, a black hoodie and had light pants on. He had a back-pack on and was riding a scooter (un-motorised).

Due to:

- a) *The timing of LOVETT's arrival at [REDACTED] with respect to the Nissan being dumped; and*
- b) *The location of the dumped Nissan (one block away); and*
- c) *The fact that LOVETT is an Aboriginal and he was wearing the same clothing as described by the members rammed;*

I believed on reasonable grounds that LOVETT was the driver of the stolen Nissan".

- 26 The Incident Field Report at **Annexure 9** also said that "*LOVETT matched the description of offender from police ramming*". But how can this be where he is much smaller, 20 years younger, and looks nothing like him?

Police brutality against Tommy

- 27 The police statements also demonstrate some of the police officers' brutal conduct towards Tommy.

- 28 The police statement of [REDACTED] is at **Annexure 3** and states that a member of the Criminal Investigation Unit (CIU) who attended the arrest:

"picked [Tommy's] upper body off the ground and with the aid of the third CIU member threw the Aboriginal youth to a brown wooden fence across a footpath on the south side of [REDACTED]. The arrested Aboriginal youth hit the wooden fence with his back and then landed on the ground...I said to [REDACTED] that the arrested Aboriginal youth was not the offender from the Nissan 350z and we should leave and patrol for the offender."

- 29 In his police statement, a copy of which is at **Annexure 5**, [REDACTED] states:

"I could see [Tommy] couldn't stand up as one of the other CIU members was holding both of his legs in the air. I then saw the male get picked up and thrown towards a wooden fence on the south side of [REDACTED]. At this stage I stood back with [REDACTED] we all believed the male was not the offending driver that rammed the police vehicle and that we should continue patrolling for the offender."

- 30 Later in this police statement, [REDACTED] states:

"There was no need for me or any member from my crew to assist, I believed three members dealing with a handcuffed youth was adequate".

- 31 The police officers assaulted and battered Tommy on multiple occasions. They slammed him into the ground, handcuffed him, stood on his wrists, his ankles, his arms. They threw him into a fence. They tightened the handcuffs so that his wrist was fractured. They had him there for a while. Tommy told them he had to go to the toilet. They left him handcuffed, pulled his pants down and told him to urinate at the neighbouring house, in front of the whole street and in full view of the neighbours. They used capsicum spray, he was bleeding everywhere. They tried to wash his face with a dog's water bowl. What they did to him was so degrading. All the other officers watched.
- 32 An Aboriginal girl in the house next door heard Tommy crying out. [REDACTED] told her to "*get the fuck inside*".

POLICE PROCESSING & MEDICAL TREATMENT

- 33 The Victorian Aboriginal Legal Service (VALS) was waiting for a notification to inform them where Tommy was being held once he was arrested. However, the police never contacted VALS to support Tommy.
- 34 When I asked them why they did not call VALS, they said it was because they didn't technically "arrest" him, but rather, they took him to the back part of the police station instead because there was so much blood. They tried to hose him down.
- 35 I went to the police station, but they told me he wasn't there. I went to the hospital. In the hospital, they were treating Tommy like a criminal. The nurses were horrible to him. I said I would take him to Victorian Aboriginal Health Service instead.

INJURIES

- 36 Tommy sustained numerous injuries during the incident, photographs of which are at **Annexure 10**. The Incident Fact Sheet is at **Annexure 11** and states that Tommy sustained "*grazing to torso, knee and elbows from concrete abrasion and possible hairline fracture to his wrist injury from handcuffs*". He needed stitches in his wrist.
- 37 Following the incident on 5 April 2016, Tommy was examined by a General Medical Practitioner [REDACTED] at the Victorian Aboriginal Health Service. A copy of the notes detailing his injuries is at **Annexure 12**. [REDACTED]'s notes conclude that Tommy suffered multiple abrasions to his face and body; bruising to his body; erythema and swelling over both of his wrists and cheekbone; and multiple small lacerations over his left ankle.
- 38 Tommy underwent psychiatric assessment and a copy of the medical report dated 11 April 2018 is at **Annexure 13**. The report details the impact of the incident on Tommy, finding that Tommy has "*had a marked impact from this incident, with social withdrawal and loss of confidence*".

PROSECUTION OF TOMMY

- 39 Even though he was the victim that day, Tommy was charged with assault police (indictable), resist police (indictable), assault police (summary) and common law assault. This was because he spat on an officer's foot when he was on the ground. He said he was trying to spit blood out of his mouth.
- 40 We spent a good year in the courts. Tommy's matter kept getting adjourned. Eventually all charges against Tommy were withdrawn.
- 41 The police showed great reluctance to deliver the relevant evidence to Tommy's defence lawyers. We were lucky to have some good lawyers that asked for police documents, and kept digging, including using Freedom of Information (FOI) requests. This is how we got access to the police statements and found out that even some of the police were shocked with what they saw that day.

CIVIL PROCEEDING

- 42 Tommy later filed a personal injuries claim in the Supreme Court against the State. A copy of the Statement of Claim for this proceeding is at **Annexure 14**. The case was ultimately settled.
- 43 It took four years between the incident and the settlement. It was horrible.
- 44 The settlement didn't change what had happened, the damage done to Tommy. I wish it never happened.

COMPLAINTS PROCESS

- 45 This incident was well known in community.
- 46 I can't remember whether we, or someone on our behalf, first made a complaint. A copy a letter from the Victoria Police confirming that a complaint had been received is at **Annexure 15**.
- 47 A police complaint / incident / issue form is at **Annexure 16**. As shown in the form, the incident was raised in the Aboriginal Justice Forum with the Acting Police Commissioner. But we were told that Tommy would need to make a formal statement for it to be investigated:

"The alleged victims [redacted] has raised this complaint on a number of previous occasions. On 14 July 2016 at the State Aboriginal Justice Forum [redacted] raised this matter with the Acting Chief Commissioner, Commander Sue, Superintendent's Silva and Hansen. The Chief Commissioner has given an undertaking that the matter will be investigated. This morning I contacted [redacted] and explained that Tommy would have to make his statement, she stated that she wanted to continue with the complaint and that he would when required..."

48 Tommy did not want to make a statement to police, he was traumatised enough. I was prepared to speak on his behalf, as I am today, but that wasn't good enough.

49 The outcome was determined as complaint "*not proceeded with*".

50 But the police's own records, and the fact the case was thrown out of Court, show that the police were in the wrong. Why wasn't more done about it?

IMPACT ON TOMMY AND HIS FAMILY

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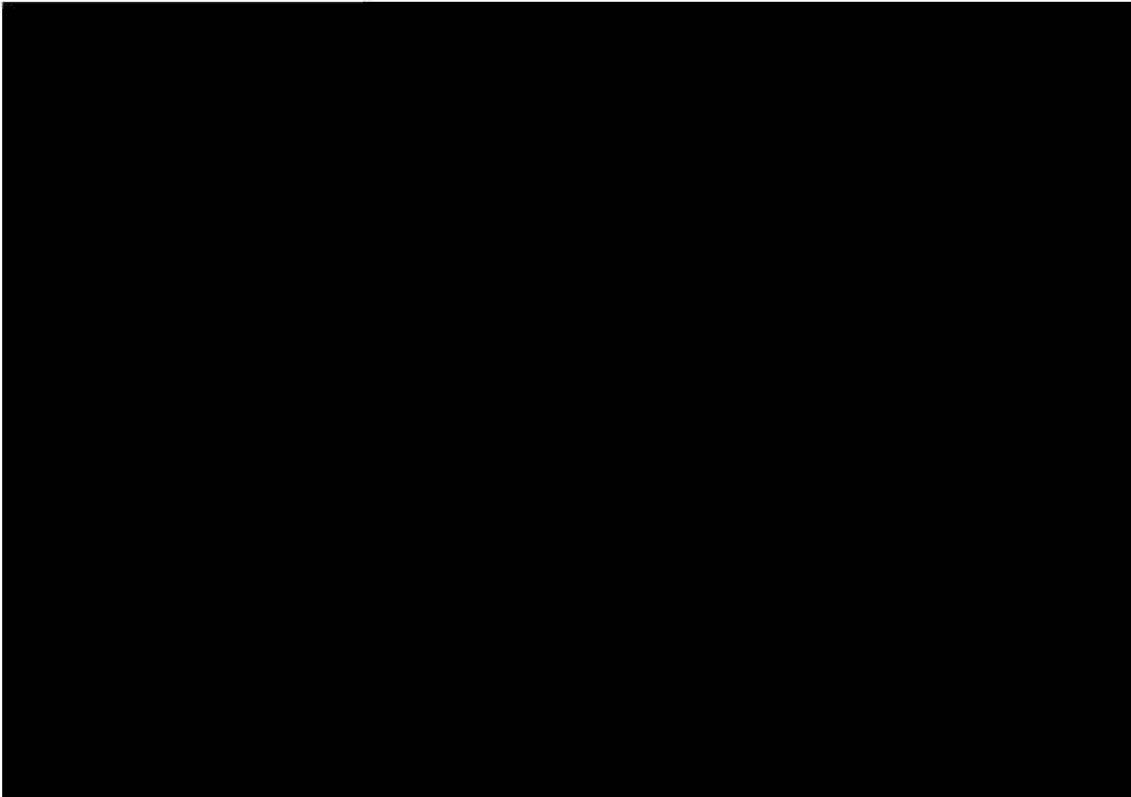
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Annexures

Annexure 1	Notes from radio communications
Annexure 2	Arrest notes
Annexure 3	Statement of [REDACTED]
Annexure 4	Statement of [REDACTED]
Annexure 5	Statement of [REDACTED]
Annexure 6	Statement of [REDACTED]
Annexure 7	Statement of [REDACTED]
Annexure 8	Statement of [REDACTED]
Annexure 9	Incident Field Report
Annexure 10	Photographs of injuries
Annexure 11	Incident Fact Sheet dated 5 April 2016
Annexure 12	VALS GP notes for services between 5 April 2018 and 1 August 2016
Annexure 13	Psychiatric report of [REDACTED] dated 11 April 2018
Annexure 14	Statement of Claim: <i>Thomas Lovett v State of Victoria</i>
Annexure 15	Letter from the Victoria Police containing details of the police complaint dated 15 July 2016
Annexure 16	Victoria police complaint / incident / issue form dated 15 July 2016