

JOINT PRESS RELEASE – FOR IMMEDIATE RELEASE

27 August 2019

SIGNIFICANT SUPREME COURT WIN FOR VICTIM OF POLICE BRUTALITY

This is a joint-statement signed by Nerita Waight, Chief Executive Officer of the Victorian Aboriginal Legal Service (VALS) and Jeremy King, Principal Lawyer on behalf of Robinson Gill Lawyers, in response to this morning's Supreme Court Judgment of Her Honour Justice Richards.

Today, Her Honour found that in April 2015 Eathan Cruse was assaulted and battered by Victoria Police whilst in handcuffs. Justice Richards awarded him significant damages for the conduct of Victoria Police which she found was:

“a shocking departure from the standards set for police officers by Parliament and expected of them by the community”.

Her Honour has also referred the conduct of the Victoria Police officers to the Independent Broad Based Anti-Corruption Commission (IBAC) for further investigation.

Eathan Cruse is a young Aboriginal man who comes from a well-respected family within the Victorian Aboriginal community. Eathan was taken to hospital as a result of injuries sustained during a raid of his family home in April 2015. He was never charged with any criminal offences or subject to any court orders following the raid.

Robinson Gill Lawyers have acted for Eathan throughout his Supreme Court Proceedings.

VALS provided legal assistance to the family in respect to allegations of police misconduct throughout the execution of the raid and assisted him with making a complaint. Eathan's complaint was subsequently investigated by Victoria Police's Professional Standard Command, who found his allegations to be unsubstantiated.

The Cruse family were left discontent and unsatisfied with the police complaints mechanism. This is unfortunately a common narrative for so many members of Aboriginal communities who are themselves victims of police misconduct. When allegations of police misconduct are not investigated objectively, independently and transparently, the trauma of those seeking accountability is exacerbated and this only serves to drive the divide between Aboriginal communities and the police.

Quotes attributable to Jeremy King and Nerita Waight:

“This is an important decision for upholding human rights in Victoria and addressing the systemic issue of police misconduct. The police accountability system unilaterally failed Eathan. People should not have to take their matters to the Supreme Court to get justice for police misconduct.” – **Jeremy King Principal Lawyer Robinson Gill Lawyers**

“This shocking case highlights the ongoing and systemic issues with Victoria’s police investigation system. Over three years ago, Eathan’s complaints were dismissed as unsubstantiated in an internal Vicpol investigation. Today, a Supreme Court judge has effectively overturned that decision and referred the conduct to IBAC.” **Nerita Waight, Chief Executive Officer, Victorian Aboriginal Legal Service**

“The Victorian Government needs to act urgently and implement an independent police complaints body to restore community faith in our police.” – **Nerita Waight, Chief Executive Officer, Victorian Aboriginal Legal Service**

A full copy of Her Honour Justice Richard’s decision is attached to this media release.

Please note, the plaintiff, his family, and the organisations involved will not be making any further comment to the media at this time.

Nerita Waight
CEO, Victorian Aboriginal Legal Service



Jeremy King
Principal, Robinson Gill Lawyers

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