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**“Living our Values” “- Respect | Integrity | Leadership | Professionalism |  
Support | Flexibility | Safety “**

**Thursday June 16, 2023**

MINISTER FOR POLICE

COMMISSIONER OF VICTORIA POLICE

SHANE PATON

**On the afternoon of January 19, 2016, a police officer from the Victorian Police ranks, utilising unlawful actions and omissions, set in motion a chain of events that has caused unmeasurable harm to myself and my family, including two wonderful children, all of whom were innocent and undeserving at the point of fracture.**

**Tuesday, January 19 2016**

1. At approximately 15:30, [REDACTED] [DOB 30 Oct 1985] **applied** blunt **force to my body** using a left clenched fist to punch me in the face<sup>1</sup>, striking

<sup>1</sup> *Crimes Act 1958* (Vic) Section 31 Assaults (1) A person who— (a) assaults or threatens to assault another person with intent to commit an indictable offence;

the right upper side of the mouth, **without lawful excuse<sup>2</sup> in the presence sight and hearing of our child [REDACTED] 2.5 years old.**

2. The meaning of **assault<sup>3</sup>** is stated in the *Crimes Act 1958* ("CAAct") section 31 (2):

**assault** means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person where the application of force is—

- (a) without lawful excuse; and
- (b) with intent to inflict or being reckless as to the infliction of bodily injury, pain, discomfort, damage, insult or deprivation of liberty— and results in the infliction of any such consequence (whether or not the consequence inflicted is the consequence intended or foreseen).

3. I became a person that was affected by crime.<sup>4</sup> The applied force caused an **injury<sup>5</sup>**. It was not an act of self-defence; it was not provoked by action or threat.<sup>6</sup> The injury was inflicted *intentionally<sup>7</sup>* and it was done *reckless* to any consideration of harm it would cause. [Category 1 Offence]
4. At 16:38 on Tuesday, January 19, 2016, I presented to the *investigative agency* Victoria Police<sup>8</sup> at its Greensborough *police premises* to report the **unprovoked assault causing injury** of bleeding from lacerations on the internal aspect of the right upper lip and laceration to the external aspect of the same area with swelling and moderate pain.<sup>9</sup>
5. I went to this Public Authority because the purpose of Victoria Police is to 'Serve the Victorian Community and uphold the law so as to promote a safe, secure and orderly society.'<sup>10</sup>

<sup>2</sup> See Exhibit "RSF02" First Coerced statement to O'Meara then Second personally completed statement. <sup>3</sup> Summary Offences Act 1966 23 Common assault Any person who unlawfully assaults or beats another person shall be guilty of an offence. Penalty: 15 penalty units or imprisonment for three months.

<sup>4</sup> *Victims Charter Act 2006, a person adversely affected by crime means*—(a) a natural person who has suffered injury as a direct result of a criminal offence, whether or not that injury was reasonably foreseeable by the offender; or (b) a family member of a person referred to in paragraph (a), (c) a witness to a criminal offence

<sup>5</sup> *Crimes Act 1958 (Vic) injury* means— (a) physical injury; or (b) harm to mental health— whether temporary or permanent; *Victims Charter Act 2006 injury* means— (a) actual physical bodily injury; or (b) mental illness or disorder or an exacerbation of a mental illness or disorder, whether or not flowing from nervous shock; (d) grief, distress or trauma or other significant adverse effect; or (e) loss or damage to property; or (f) any combination of matters referred to in paragraphs (a), (b), (c), (d) and (e);

<sup>6</sup> See Exhibit "RSF02\_\_\_\_" Transcript of VOCAT 2017/1756; Exhibit "RSF02\_\_\_\_" Graphic depicting statement provided to Victoria Police; Exhibit "RSF02\_\_\_\_" Affidavit submitted to Family Court concerning [REDACTED] without trial or testing evidence.

<sup>7</sup> *Crimes Act 1958 (Vic) Section 18 Causing injury intentionally or recklessly* A person who, without lawful excuse, intentionally or recklessly causes injury to another person is guilty of an indictable offence.

<sup>8</sup> *Victoria Police Act 2013* section 6; *Victims Charter Act 2006 investigative agency* means— (a) a police officer; or (b) a person authorised by an enactment to investigate a criminal offence;

<sup>9</sup> Exhibit "RSF02\_\_\_\_" Photograph of injury sustained from the assault <sup>10</sup> *Victoria Police Act 2013* section 8; s 9 (1) (a); (1) (c); (1) (d); (1) (e)

6. The Non-commissioned officer holding the rank of a Senior Constable named Shaun O'Meara<sup>11</sup> became the officer who responded to the complaint at the police premises. His Service number is 37533.
7. At all material times from this moment forward, Snr Cons O'Meara was a sworn officer and took the following oath of office in Form 1 schedule 2 of the *Victoria Police Act 2013* ("VPAAct"),
8. [Shaun O'Meara] [swear by Almighty God/do solemnly and sincerely affirm] that I will well and truly serve our Sovereign Lady the Queen as a police officer in Victoria in any capacity in which I may be appointed, promoted, or reduced to, without favour or affection, malice or ill-will for the period of [insert period] from this date, and until I am legally discharged, that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent to the best of my power all offences, and that while I continue to be a police officer I will to the best of my skill and knowledge discharge all the duties legally imposed on me faithfully and according to law.
9. the VPA notes in section 14 (2)
 

'Subject to the direction and control of the Chief Commissioner, a commissioned officer is responsible for the management and control of the portion of Victoria Police that is placed under the officer's charge.'
10. and all statutory laws, regulations, instruments, Commissioner Instructions, Codes of Conduct, and the Victoria Police Manual applied and continue to apply.
11. I was seated in a room within the complex at a table where Snr Cons O'Meara began *execution of a police process* and asked for details for my statement.
12. I had never provided a statement to Police prior to this day and did not know what standard and lawful procedure was.
13. As I began to recount the event, I was interrupted by O'Meara where he said,
 

"Nah nah, just make it general."
14. I felt uneasy about this because the final statement left out a majority of the event.<sup>12</sup> Additionally, I attempted to indicate I wanted more included but was left with the final statement, dated 'January 19, 2016 at 4:39am(sic)'<sup>13</sup>

<sup>11</sup> Victoria Police Act 2013 section 7; s 13 (k) and Division 5 Part 3,

<sup>12</sup> See Exhibit "RSF02\_\_\_\_" Emails to Lawyers at Perry Weston about concerns and my own revised statement how I wanted it to be in the first place.

<sup>13</sup> See Exhibit "RSF02\_\_\_\_" Final Statement of reporting assault to O'Meara.

15. I privately do not like this being ascribed to me, however I meet the criteria to be considered a victim.<sup>14</sup>
16. Snr Cons O'Meara in this moment has set in motion conduct<sup>15</sup> that will show an unlawful intervention into the natural course of Police procedure, investigation norms or standards and the adulteration of natural justice to suit an outcome desired by him, establishing a breach of discipline<sup>16</sup> that continued to evolve over time involving more police members and further allegations of misconduct.

(2016/09/15) Sent by: IBAC 'CF\_16\_1922 Correspondence from IBAC Mr Jacob Ferrara CRM\_0608668',

'After considering the information provided, IBAC will refer your complaint to the Chief Commissioner of Victoria Police. Your contact details have been provided to Professional Standards Command of Victoria Police who should advise you of the outcome... IBAC's decision to refer your complaint is confidential and you must not tell anyone about this decision.'

Tony Gaylard A/Manager, Assessment & Review Unit [No consent given to refer back to Victoria Police]

(2017/09/07) Sent by: Independent Broad-based Anti-corruption Commission, Received by: Reece Storme AKA Jacob Ferrara 'CF/16/1922 - Correspondence from IBAC - Mr Reece Storme AKA Mr Jacob Ferrara {SEC=UNCLASSIFIED}', Your complaint against Victoria Police... After considering the information provided, IBAC will refer your complaint to the Chief Commissioner of Victoria Police. Tony Gaylard Manager, Assessment & Review Unit [No consent given to refer back to Victoria Police]

(2017/10/09) At Sent by: Reece Storme, 'IBAC Not a Protected Disclosure', Received by: Independent Broad-based Anti-Corruption Commission, Reference#: CF/16/1922 Your complaint has been assessed by IBAC and determined not to be a Protected Disclosure Complaint under the Protected Disclosure Act 2012 (PD Act). The letter to which this information sheet is attached tells you what IBAC has decided to do with your complaint [No consent given to refer back to Victoria Police]

(2018/06/06) Sent by: Tony Gaylard Manager, Assessment & Review Unit Received by: Reece Storme Ferrara 'Response to further correspondence - Reece Storme {SEC=UNCLASSIFIED}', [No consent given to refer back to Victoria Police]

Reference#: CF/17/13182

(2018/06/20) Our ref: CF/17/13182

IBAC has considered the concerns you raised regarding the Victoria Police investigation of your matter, and information within the letter to you from Senior Sergeant Kim French outlining the actions Victoria Police have taken regarding your complaint. I note Victoria Police have taken action to try and address this matter with you directly, however, the matter remains unresolved. On the information provided, it appears that Victoria Police have taken appropriate action in relation to your complaint [No consent given to refer back to Victoria Police]

(2017/08/18) At Sent by: Agata Wierzbowski Principal Lawyer, St Kilda Legal Service Co-Op Received by: Independent Broad-based Anti-corruption Commission Committee 'IBAC Submission External Oversight Victoria Police',

Without external oversight, police are essentially left to police themselves. Victims are often reluctant even to report abuse directly to police, for fear of reprisals, or simply because they do not believe a serious investigation will result. ... Importantly, external oversight also plays a role in increasing community trust of the police service

**Victorian Inspectorate**, 'IBAC's referral and oversight of Emma's complaints about Victoria Police's response to family violence by a police officer'... This report illustrates how serious the consequences can be when there is a lack of independence and objectivity in the handling of complaints about police.' (Special Report 2022/10)

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<sup>14</sup> Victims Charter Act 2006 victim means- (a) a natural person who has suffered injury as a direct result of a criminal offence, whether or not that injury was reasonably foreseeable by the offender; or (b) if a person has died as a direct result of a criminal offence committed against that person, a family member of that person; or (c) if the person referred to in paragraph (a) is under 18 years of age or is incapable of managing his or her own affairs because of mental impairment, a family member of that person; or (d) in the case of an offence against section 49M of the Crimes Act 1958 (grooming for sexual conduct with a child under the age of 16), the child and a family member of that child;

<sup>15</sup> Victoria Police Act 2013, Part 9 Section 166 conduct, in relation to a police officer or protective services officer, means- (a) an act or decision or the failure or refusal by the officer to act or make a decision in the exercise, performance or discharge, or purported exercise, performance or discharge, whether within or outside Victoria, of a power, function or duty which the officer has as, or by virtue of being, a police officer or protective services officer; or (b) conduct which constitutes an offence punishable by imprisonment; or (c) conduct which is likely to bring Victoria Police into disrepute or diminish public confidence in it; or (d) disgraceful or improper conduct (whether in the officer's official capacity or otherwise);

<sup>16</sup> Ibid. Section 125 of the Victoria Police Act 2013 contains numerous clauses of actions, omissions and failures that establish a breach of discipline of a sworn Police officer

(2018/09/04) by: PARLIAMENT OF VICTORIA Independent Broad-based Anti-corruption Commission Committee

'Improvements recommended for police complaints and oversight system.

'Accurate assessment of all complaints has been emphasised in the report to ensure that serious police misconduct is not wrongly classified as a customer service issue or similar lower-level concern," Mr Wells said.

"The Committee has made recommendations to ensure that complainants, especially vulnerable complainants, are better communicated with, supported and protected against reprisals throughout the process," he said.'

Media queries

Contact the Victorian Parliament's Communications Manager, Andres Lamp on 8682 2814 or email: news@parliament.vic.gov.au

FOR THE RECORD:

I DO NOT WANT TO PURSUE ACTIONS AGAINST THE OFFENDER/AFM IN ANY CAPACITY DESPITE THE OFFENDER [IN THIS CASE] GOING TO ON PROVIDE MISLEADING STATEMENTS RESULTING IN A TOTAL OF TWO MONTHS IN REMAND AND SEVERAL CRIMINAL CHARGES ARISING FROM THIS PRIMARY EVENT CURRENT CHARGES BEING VIGOROUSLY DEFENDED.

FOR THE RECORD:

VOCAT 1756/2021 TREGENT, J. MADE A FINDING OF FACT THAT THE OFFENDER IN THIS CASE DID PROVIDE A FALSE STATEMENT [INFERRED] AND TO THE CURRENT DAY, HAS NEVER BEEN CHARGED OR STOOD BEFORE A MAGISTRATE FOR ALLEGED CRIMES.

FOR THE RECORD:

THE ENTRIES IN THE LEAP DATABASE WERE OBTAINED UNLAWFULLY, ENTERED WITH THE INTENT TO MISLEAD, AND PERVERTED THE NATURAL COURSE OF JUSTICE TO THIS DAY. THE HEALTH DETRIMENT HAS BEEN SIGNIFICANT AND LIFE THREATENING

## THE PSYCHOLOGICAL DETRIMENT ANGUISH DISBELIEF OF OTHERS

(2016/08/14) by: J Willkins Received by: Austin Admission, 'says he has been unfairly treated by police'

(2017/05/26) Author: Dr Lodge, Gabrielle Ms Austin Admission RE\_presented GB VICPOL Hang with evidence', divorced father of one, who was brought in by ambulance under section 351 after trying to hang himself, with a similar presentation to ED one day prior to the current presentation. Reece then presented to the Greensborough police station with 'evidence' that his ex-wife was abusive towards him, and reported feeling more and more anxious about a court date coming up. Reece then fled the police station, was chased by police, and attempted to hang himself with a dressing gown cord from a fence outside the station, but was prevented by police. Reece reports that he planned to hang himself outside the police station to "prove a point about the injustice"

(2016/12/05) by: Dr David Weissman Consultant Psychiatrist 'Medico Legal Report', I specifically asked him what he meant by symptoms and features of "PTSD".

He told me that he has "flashbacks" and that the flashbacks "could be of anything ... [REDACTED] punching me, dad yelling at me, being stuck in a house and trapped with a violent patient trying to kill me, faces of dead people". (Mv comment: In other words, he was referring to alleged previous physical assaults from his ex-wife, to physical and verbal abuse from his father during adolescence, and to alleged distressing and traumatic incidents during the course of his employment.)... The relationship with his ex-wife has contributed in a significant and substantial way to his psychiatric, psychological and emotional state since early 2012, and has continued to do so during 2015 and this year (2016). In addition, the claimant experienced significant "grief and emotional stress particularly in the context of not being able to be in regular contact with his son at various times since his son was born in August 2013. Reference#: AC:AP:M500623

(2023/09/22) Authored by Emil Khalid Medical Officer 'ED/SSU Summary: - Wishes to die by a police bullet i.e. wishes for them to be aggravated enough to kill him, though he has not, and does not feel capable of aggravating them to that extent - This was explored thoroughly, Reece sees no feasible way for this to actually happen, "I can't bring myself to hurt anyone", and my assessment is in agreement with this.', Reference #: UR Number: 2405592 Attachment titles:

\*\*\*INCOMPLETE AND CONTINUES\*\*\*

Function where alleged behaviour occurred	Alleged behaviour												Total
	Breach of professional boundaries	Bribery and inducements	Collusion	Criminal behaviour, drugs and vices	Extortion	Favouritism	Force	Fraud	Inaction	Misuse of resources	Obstruction of justice	Theft	
Official powers	517	3	24	7		69	582	1	1228	50	153	23	2657
Official capacity	718	1	12	177		36	77	15	310	40	55	2	1443
Personal or off duty activities	460		2	168		22	53	5	54	20	10	4	798
Information management	28		5	1		3	2	1	30	123	15		208
People management	35	1	9		2	30	7		97	6	9	1	197
Asset management	1			2		0		1	11	8	1	4	28
Financial management	1							6	4	13		3	27
Risk and governance									2	2			4
Not specified	1								1				2
Procurement and purchasing			0			1		1					2
Total	1761	5	52	355	2	161	721	30	1737	262	243	37	5366

**Graph 6. Allegations about Victoria Police assessed for investigation by IBAC or Victoria Police by behaviour and function (1 July 2018 to 31 December 2022)**

IBAC categorises all allegations by the behaviour being alleged and the function or activity where misconduct or corruption occurred. For more about this framework, please see IBAC's Behaviour and Activities Model. The most common types of allegations received about Victoria Police reflect the types of duties undertaken by police.

The breakdown of alleged misconduct or corrupt conduct types is similar across Victoria Police regions, commands and departments.

#### The most common types of behaviour alleged about Victoria Police:

##### Breach of professional boundaries, particularly the three subcategories of

- rudeness (33%),
- bullying and harassment (32%) and
- exceeding delegated powers (15%)
- Inaction, particularly the three subcategories of failure to take sufficient or appropriate action (50%),
- failure to obey instructions or policies (17%) and
- failure to properly investigate (17%)
- ❖ Force, particularly the three subcategories of physical violence – non-serious injury (63%),
- ❖ physical violence – serious injury (12%) and
- ❖ threats (11%)

##### Misuse of resources, particularly the three subcategories of

- unauthorised disclosure or disposal (50%),
- unauthorised use (15%) and
- unauthorised access (14%).

#### Most common functions involved in allegations about Victoria Police:

##### Official powers, Particularly the three subcategories of

- care, custody and arrest (37%),
- inspections or investigations (35%) and
- enforcement or legal proceedings (16%)
- Official capacity, particularly the two subcategories of
- internal engagement (51%) and
- external stakeholder engagement (29%)

##### Information management, particularly the subcategories of

- ❖ release (46%);
- ❖ access, alteration and use (42%) and
- ❖ capture and creation (6%)
- People management, particularly the subcategories of
- complaints management (65%); and
- recruitment and promotion (21%)