

# New Zealand policeman charged after brutal bashing of teenager

By John Braddock  
9 October 2002

A New Zealand police dog-handler appeared in court last week charged with assault and causing grievous bodily harm to an 18-year-old youth. The constable will stand trial in November for assaulting Samoan teenager Tamati Selave outside a party in Cannons Creek, a working-class suburb of the capital Wellington, on the night of July 17.

Selave was rushed to hospital for emergency surgery after receiving life-threatening head injuries in the incident. He was close to death in a medically induced coma for six days, with the front half of his skull removed to relieve pressure caused by brain swelling. Now discharged from hospital and resting at home, Selave remains on medication to prevent seizures, still suffers from headaches and has limited memory of the night. He expects at least one more major operation before he recovers.

After a five-week investigation, the police announced at the end of August that the constable had been charged with assaulting Selave with reckless disregard for his safety, causing grievous bodily harm. A police spokesman justified the length of time it took the Police Complaints Authority to carry out the investigation and lay charges, by claiming there had been “conflicting” statements from witnesses.

However, partygoers and independent witnesses were in no doubt that police were responsible for the injuries. Neighbours concerned about the noise initially called two cops to the party at about 11pm. At the same time, Selave was told by his older brother to leave the party. He came across a younger friend arguing with the police in the street outside. The last thing Selave can remember was walking away from a cop who had called him over.

Five minutes after seeing her boyfriend leave the party, Selave’s girlfriend, Dezma Taeueu went outside to find him lying on the ground with blood pouring from his ears and head, with two young people and two police officers standing over him. She saw one of the youth shouting hysterically at the officers. “He said that he saw the cops hit Tamati two or three times and then they threw him to the ground,” Taeueu told a reporter. “He was hard out screaming in the cops’ faces ‘look at him, he better not die, why did you hit him?’”

People living nearby also saw the police hit the slightly built youth. One, who feared harassment if identified, told a *Dominion Post* reporter they were watching from a window after hearing a loud argument in the street. The police had approached a group of three people. “I saw the kid walk away and then the cop ran after

him. I saw him get picked up and thrown to the ground. The kid then freaked out, like he was really scared. He got up and ran for his life.”

The witness said the policeman ran after the youth and hit him on the back of the head with a long baton-like torch. He fell to the ground in the middle of the road. They watched while more police and an ambulance—called by one of the neighbours—arrived, and Selave’s friends put him on the stretcher. Another neighbour described the officer’s tackle on Selave as “like a gridiron player”.

Selave’s mother, Ropine, said she was woken by the police on the early hours of the morning following the assault, and taken to the hospital while emergency surgery was underway. She remained by her son’s bedside in the intensive care unit throughout the following week, fearing he would die. A police statement released 10 days after the incident further incensed the family, by claiming Selave had assaulted the officer. His older brother, Pasene, 21, questioned the timing of the accusation, released in the middle of the police investigation, saying: “They are telling the whole country that he assaulted a cop but where are their witnesses? They make it look like the cop was the victim, but who is in hospital trying to fight for his life?”

The assault on Tamati Selave is not an isolated incident. There is a pattern of increasing police intimidation, violence and brutality against working class youth, particularly the most oppressed layers among Maori and Pacific Islanders. According to official police figures, nine officers were charged with assault last year, more than double the number in the previous two years. These figures, however, hide unreported daily incidents of verbal and physical harassment meted out to young people in the depressed suburbs of the main cities and rural towns. Pasene Selave told the *World Socialist Web Site* that he had recently been abused, assaulted and taunted with racist insults in the central Wellington police cells after being arrested on a graffiti charge. He described the experience as “really scary”.

Two prominent recent cases underline the extent of growing state violence against young people. In April 2000, police in the provincial town of Waitara gunned down Steven Wallace, a young Maori ex-university student. His death came after a drunken rampage through the town, during which Wallace used a softball bat to smash shop and car windows before being confronted by two armed policemen. The police, who shot Wallace four times in the chest at close range, claimed self-defence, and were

exonerated following an investigation by the Police Complaints Authority.

Wallace's parents refused to accept that his shooting was necessary. They initiated a private prosecution for murder—the first in the country's legal history—after mortgaging their home and launching a public fund to raise the money to cover costs. At the end of a five-week depositions hearing in February, two presiding justices of the peace dismissed the case, ruling that the constable had acted in self-defence and followed police procedure. In an appeal taken to the High Court by the Wallace family in June, however, Chief Justice Sian Elias criticised the justices for overstepping their authority. Elias declared that there was a clear case for the police to answer and ordered a jury trial in the High Court, which has yet to be scheduled.

In another case, the Court of Appeal quashed the convictions of three Pacific Island girls from the working class southern suburbs of Auckland, New Zealand's largest city, after they had spent seven months in Mt. Eden Women's Prison for aggravated robbery. Krishla Fuataha, Tania Vini and Lucy Akatere were aged between 14 and 15 years when sentenced to prison terms of up to two years each for delivering what the trial judge described as a "sadistic slashing" in the course of stealing \$10 from another teenager. The three were only released after a private investigator and lawyer hired by one of the girl's families carried out a painstaking investigation, which uncovered evidence pointing to possible criminal offences by the detectives handling the case.

The police not only failed to investigate alibis presented by the girls and obtain a positive identification from the victim; they pressured a 13-year-old friend into making false statements about the girls' involvement in the crime. A year after the Court of Appeal said the girls' wrongful conviction raised "serious questions" about the police conduct which "must be properly investigated," the chief detective on the case is still on duty. Although the internal police investigation has been completed, no report has been released. Meanwhile, the girls' lawyer, who is fighting for compensation on their behalf, has said all three are still suffering from the experience with drinking problems, recurring nightmares, need for ongoing psychiatric help, and serious educational disadvantage.

Police victimisation of young people is taking place against the background of a political and media offensive over so-called "youth crime". The campaign has come to a head in recent weeks with concentrated coverage of three separate murders allegedly carried out by under-17 year olds—including one involving the killing of a pizza delivery worker by a group aged between 12 and 16 years—providing grist for newspaper editorialists and headline writers.

The campaign's purpose is to divert attention and political responsibility for declining social and economic conditions away from those most responsible—the governing political parties and their business backers. The recent parliamentary election campaign was dominated by competing claims from the contesting parties over which was the strongest advocate of harsher "law and order" measures. The ruling Labour Party, while declining to offer any programs to address rising social and educational inequality, highlighted plans to introduce tougher prison sentences and

boasted seven new initiatives to "crack down on youth crime", which it justified as necessary to prevent "a new generation of hardened criminals emerging".

The chief Youth Court judge, Justice Beecroft, last month took the unusual step of releasing figures showing there had, in fact, been no recent increase in serious youth crime. While there had been a doubling of violent offences committed by under 17-year-olds between 1991 and 1995, from 121 cases to 235 cases per year, since then the figures had remained constant at around 250 per year. Over the past 12 months, the number of arrests for cases of violence had declined, as had crimes defined as "serious".

The judge emphasised that most youth offences were committed by a small number of young people, with 15 percent of offenders responsible for 80 percent of cases before the Youth Court. This group he identified as being from "deeply disadvantaged" backgrounds—mostly not enrolled at school, from poor single parent families and usually suffering significant psychological problems and substance addiction.

This picture is supported by data gathered by Dr Gabrielle Maxwell, director of the Crime and Justice Research Centre at Victoria University, and recently cited in the *Dominion Post* newspaper. The incidence of crime committed by young people over the age of 14 years had been "remarkably consistent" over the past decade and mostly involved dishonesty offences. Violent offences, accounting for 10 percent of youth crime, had increased "slightly" in amount and seriousness and began at an earlier age, but the increases had been greater for adults. Serious violence by young people was still rare. According to Dr Maxwell, children and youth "remain far more offended against than offenders".

Young people, particularly those in the working class, have borne the brunt of the "restructuring" programs of successive governments for the past two decades. New Zealand now ranks near the top of OECD countries for youth suicides and teenage pregnancies. A third of children grow up in poverty. Since the mid-1980s governments have imposed mass youth unemployment, removed benefit entitlements—including the dole for 16 to 18 year-olds, introduced "user pays" policies in education, thus creating massive fee debts, and enforced youth pay rates far below the meagre adult minimum.

The case of Tamati Selave provides further evidence that the powers-that-be are bent on intensifying the systematic oppression of young people as social conditions deteriorate.

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