



AFP
AUSTRALIAN FEDERAL POLICE



Statement

Statement in the matter of: Police v. Danny KLOBUČEK

Name Daniel Robert QUADE
Occupation Police Officer
Employer Australian Federal Police
Work Address City Police Station
Work Phone 02 6256 7777
Date 23 August 2010

 A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
EXHIBIT	2
DATE RECEIVED	04/04/12
INQUIRY	

STATES:

*Camus Lee AMNOT Bill 2011
+ Camus (OFFICERS AGAINST POLICE)
AMNOT Bill 2012*

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

My full name is Daniel Robert QUADE. I am over the age of 18. I am a Constable of Police employed by the Australian Federal Police (AFP). I am currently attached to City Team Five at City Police Station on London Circuit, City in the Australian Capital Territory (ACT).

About 4.00pm on Saturday the 10th of July 2010 I commenced shift with Constable Julie ALCHIN. Our call sign for the duration of the shift was City Patrol 32. I was wearing AFP winter uniform with full accoutrements.

About 3.28am on Sunday the 11th of July 2010 I was conducting a foot patrol with Sergeant (Sgt) Joanna JONES and Constable Julie ALCHIN, of the Central Business District (CBD) area, Canberra City in the ACT when I heard a transmission via radio from Police Operations. *(I was informed that a disturbance was in progress on the corner of*

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London Circuit and East Row. I was informed that a male was unconscious at the location.)

As a result of hearing that transmission Sgt JONES, Constable ALCHIN and I attended the corner of London Circuit and East Row. Upon arrival I observed a male in a yellow t-shirt lying on the ground; two other males were standing at the side of the injured male. I observed a number of patrons, staff and management affiliated with the 'Cube' nightclub at the location. I observed Sgt JONES attempting to speak to the male on the ground, who I know best to my knowledge as Juan LOPEZ, however he appeared to be unconscious and unresponsive to Police. I observed blood emanating from the back of his head.

Sgt JONES approached me and we had a short conversation. *(Sgt JONES informed me that the unconscious male on the ground and the two other males next to him were involved with another incident outside of Cube nightclub.)*

I attempted to speak with the two males who were previously next to Mr LOPEZ who appeared to me as they knew Mr LOPEZ. The males were identified to me as Michael LE CLAIR born 23rd of December 1986 and Danny KLOBUCAR born 27th of July 1988, herein referred to as the defendant. The defendant was wearing a grey long sleeve hoodie. Mr LE CLAIR was wearing a white long sleeve hoodie that had been pulled up to the elbows.

I observed the defendant standing in front of Maurizio RAO born 12th of November 1973, pushing his chest into his and making violent threats towards him. The defendant was putting his face into Mr RAO's. Mr LE CLAIR was standing about a metre behind the defendant also engaging in the threats towards Mr RAO. Mr RAO appeared not to be talking back or responding towards either of them and did not appear to be aggravating the situation.

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I approached the defendant and pulled him away from Mr RAO as I was concerned that another altercation would occur without Police intervening.

As I attempted to speak with Mr LE CLAIR and the defendant they constantly continued to engage with Mr RAO, threatening him with violence and making various homosexual remarks towards him and the other Cube patrons. I repeatedly told Mr LE CLAIR and the defendant to stop trying to start fights and to let Police handle the situation.

The defendant said: "Aren't you cops going to do anything about this?"

I said: "Let us sort it out. You aren't helping by trying to start more fights."

I observed that both Mr LE CLAIR and the defendant's eyes were bloodshot, their speech slurred and I could smell intoxicating liquor emanating from their breath. I formed the opinion that they were slightly to moderately affected by alcohol.

The defendant continuously tried to rouse and shake Mr LOPEZ. I repeatedly informed the defendant that an ambulance had been called, I also told him to leave Mr LOPEZ alone and move away. At this point the defendant walked between Mr LOPEZ and continued to engage with Mr RAO.

Sgt JONES, Constable ALCHIN and I re-attended to Mr LOPEZ on the ground: the defendant continued to intervene and tried to rouse Mr LOPEZ causing his head to bounce on the ground. Due to the head injury Mr LOPEZ had sustained I had concerns with the defendant shaking him. I pulled the defendant up from the ground as he was kneeling next to Mr LOPEZ and took hold of his right arm. At the same time Sgt JONES took hold of his left arm. Sgt JONES informed the defendant that he was in Police custody for being intoxicated and disorderly.

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Sgt JONES and I escorted the defendant towards the Police caged vehicle which was parked on the corner of East Row and London Circuit. As we got to the rear of the caged vehicle; Sgt JONES released her grip of the defendant and unlocked the rear door of the Police caged vehicle. At this time the defendant pulled his right arm violently from my grip. The defendant stepped away from us, Sgt JONES and I moved quickly towards him in an attempt to regain control of the defendant.

The defendant was standing on the corner of East Row and London Circuit and was yelling at us;

Mr LE CLAIR said: "He isn't going with you; let him go."

I took hold of the defendant and attempted to force him to the ground. As I was putting the defendant to the ground I observed Mr LE CLAIR rushing towards me from my left side. I stood up and attempted to stop Mr LE CLAIR by pushing him away, however Mr LE CLAIR struck me in the throat with his left hand and pushed me in the chest with his right hand. I felt a heavy strike to my throat and immediately felt pain in the area. I stumbled back about two metres. As I had let go of the defendant I observed that Sgt JONES and him had fallen to the ground. At this point I was unable to assist Sgt JONES as the defendant was obstructing me in doing so.

Mr LE CLAIR was stepping back pointing at me, yelling at me;

Mr LE CLAIR said: "Fucking let him go."

I responded: "Stop walking and get on the ground"

Mr LE CLAIR failed to abide by my direction as a result I walked towards Mr LE CLAIR delivered a one second burst of oleoresin capsicum (OC) spray to his facial area. This

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caused Mr LE CLAIR to stumble back, he attempted to run away from me; however he was apprehended by Senior Constable (S/C) Rhys LOCHEAD. I took hold of the left side of Mr LE CLAIR, Mr LE CLAIR began to thrash his body in a violent manner in an attempt to escape Police custody. I repeatedly yelled at Mr LE CLAIR to "Stop resisting", Mr LE CLAIR continued to resist violently. I delivered two knee strikes to the left thigh of Mr LE CLAIR as he failed to heed Police direction by continuing to violently resist.

Mr LE CLAIR was brought to the ground and I secured his left arm whilst S/C LOCHEAD handcuffed him. I informed Mr LE CLAIR that he was under arrest for assault and obstruct Police. S/C LOCHEAD and I picked Mr LE CLAIR up from the ground and escorted him to the rear of the Police caged vehicle where he was searched and placed into the rear of it.

I observed that Sgt JONES and Constable ALCHIN had restrained the defendant and handcuffed him. Sgt JONES and I had a short conversation. *(Sgt JONES informed that whilst I was apprehending Mr LE CLAIR, she was put into a headlock by the defendant and he attempted to punch her in the face. She stated that she was able to gain control of him by delivering a burst of OC spray to his face, causing him to release her.)*

A short time later I transported Mr LE CLAIR and the defendant to the ACT Watch House.

About 6.30am that date I acquired closed circuit television (CCTV) footage of the incident from Police Operations. I later exhibited this footage.

EXHIBIT: I NOW PRODUCE SEIZURE 3196584/001 – CCTV FOOTAGE.

About 4.00pm on Sunday the 11th of July 2010 I commenced shift at City Police Station. I observed that the right side of Sgt JONES' face was red and slightly bruised about her

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cheek and eye. She also had significant bruising to her knees and right forearm. The following shift I also felt some pain in my neck and throat region.

During the incident I made notes in my official AFP notebook.

DOCUMENT: I PRODUCE NOTEBOOK NO. N17532 PAGE 30

At no time did I give permission for Mr LE CLAIR to assault me. At all times attending Police were wearing AFP winter uniform with full accoutrements and all AFP Police vehicles present were fully marked.

I read this statement before I signed it.



Daniel Robert QUADE

Constable 19720

City Police Station

14 November 2010