



# Statement

Statement in the matter of: Police v SMITH

**Name** Carl Dietrich Fabian RUHEN  
**Occupation** Police Officer  
**Employer** Australian Federal Police  
**Work Address** City Police Station  
**Work Phone** 026256 7777  
**Date** 22 April 2011

|                                                                                                                                          |         |
|------------------------------------------------------------------------------------------------------------------------------------------|---------|
|  ACT LEGISLATIVE<br>ASSEMBLY<br>CONSTITUTIONAL OFFICE |         |
| EXHIBIT                                                                                                                                  | 1       |
| DATE<br>RECEIVED                                                                                                                         | 4/24/12 |
| INQUIRY                                                                                                                                  |         |

Carries Lee Amendment Bill 2011  
 + Crimes (Offences Against  
 Police) Amendment Bill 2012

Bl.

## STATES:

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 Carl Dietrich Fabian RUHEN. I am a Constable of the Australian Federal Police. I am currently attached to City Beats Team 2, City Police Station, City, Australian Capital Territory (ACT).

At 9.00pm, 11 March, 2011, I commenced duty at City Police Station in the company of Senior Constable Andrew McCOOLA and Constable Brett KATZ. Our call sign was Beats 32.

About 1.25am, 12 March, 2011, I received a Police radio transmission from Police Operations.



*This Police radio transmission asked me to attend the Mc Donalds restaurant, Braddon, located on the corner of Cooyong Street and Mort Street, Braddon, ACT, in regards to a window which had been smashed at this location.*

I arrived in the company of Senior Constable Andrew McCOOLA.

At this location, Senior Constable McCOOLA was taking details from the Duty Manager at the service counter of the restaurant while I was looking at the patrons of the restaurant.

I observed the restaurant to be half full of patrons, and in particular, I observed a table right in front of my line of view which had three males seated at it. These males were laughing loudly and they caught my attention.

I then observed a male, who I now know as Raphael MAY born 29 February, 1988, swipe an empty 375ml bottle of beer on the floor, which smashed.

I waited about 2 minutes for Mr MAY to pick up the smashed bottle, he didn't.

I approached Mr MAY and his friends at the table.

I said: " I hope you are going to pick up that bottle and put it in the bin?"

About this time, I have observed Sergeant Scott WALLS and Constable Brett KATZ were present in the restaurant.

Mr MAY said: " Why, I didn't do it."

I said: " I saw you do it mate."



About this time, Mitchell SMITH born 31 January, 1986, the Defendant now before the Court, has approached me and stood about fifteen centimeters from my face.

*I observed the Defendant to have bloodshot eyes, slurred speech and smelt strongly of intoxicating liquor. The Defendant was large in build and taller than me. I feared for my immediate safety with him in close proximity. He began to shout at me.*

He said: " You are a liar because I am the one who smashed the bottle."

I placed my hand on the chest of the Defendant and pushed him away.

I said: " I saw your mate smash it but I don't really care who picks it up and puts it in the bin."

I observed Mr MAY pick up the bottle and place it in the bin.

The Defendant then approached me in the same manner as he had previously, about 15 centimetres from my face.

I placed my hand on the chest of the Defendant and pushed him away again as I felt threatened by his presence in such close proximity.

I said: " Stop approaching me and standing so close to me. If you need to talk to me, do it from there. Why don't you just go home?"

The Defendant said: " There is nothing you can do about it, we are in a public place. I'm not going anywhere"



Due to the aggressive demeanour displayed by the Defendant in the presence of Police and numerous members of the public who were dining in the restaurant, Police were of the opinion they needed to take some form of intervention to ensure the safety and well being of the patrons and staff.

The Defendant was placed under arrest for Breach of the Peace for fears of his actions escalating into actual physical violence.

I said: " You're under arrest for Breach of the Peace."

The Defendant has once again approached me and stood approximately fifteen centimeters from my face.

The Defendant has then pushed me in the chest and has extended his arms in front of himself in an effort to avoid apprehension.

I grabbed the right arm of the Defendant and Constable KATZ has grabbed the left arm of the Defendant.

The Defendant then backed up to a corner of the restaurant and continually resisted all efforts of Constable RUHEN and Constable KATZ to place handcuffs on him.

Police repeatedly said: " Stop resisting."

The Defendant then stiffened his whole body in such a way so I could not control the actions of the Defendant.



Constable KATZ has applied knee strikes to the Defendant and I have applied straight strikes to the chest area of the Defendant.

This was in an effort to make the Defendant comply with Police demands and to remove him from the premises.

The Defendant then complied with the directions of police on the ground where he was handcuffed and escorted to the rear of the Police caged vehicle.

The Defendant was searched and placed in the rear of the Police caged vehicle and was conveyed to the ACT Watch House where he was lodged.

I then resumed normal duties.

I read this statement before I signed it.



Carl Dietrich Fabian RUHEN

Constable 14242

City Police Station.

22 April 2011