

**Submission  
No 309**

**INQUIRY INTO ANIMAL WELFARE POLICY IN NEW  
SOUTH WALES**

**Name:** Mr Robert Wade

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There needs to be a simple mechanism for forcing police to publicly explain their failure to prosecute an accused.

This includes cruelty by police.

On 6 December 2012, Detective Inspector Bryson Anderson commanded two more junior police to break into the locked home of Fiona Barbieri and her 19 year old son Mitchell.

The purpose was nominally to physically arrest Mitchell for alleged assaults with a cross bow.

The real purpose appears to be Anderson indulging in a hate crime: physically battering Mitchell for offending Anderson by Facebook comments, or for being psychotic. Anderson had told police on his way to the house that Mitchell was a nutter.

The Barbieris had locked themselves and their two dogs in their home before any police arrived. It was obvious to police that the dogs were very agitated. Anderson made two phone calls to the officer in charge, one saying there was a dog, a later one saying there were two dogs.

The officer in charge (who was not Anderson) had forbidden police from physically attacking Mitchell. Anderson had argued against that. The officer in charge then said that Mitchell could be physically attacked if his hands could be seen (presumably meaning seen to not be holding any weapon).

Police were unable to see Mitchell at all when they broke in.

Mitchell had assisted police several times by removing the agitated dogs from where police were trying to speak to his mother.

Anderson's duty at the scene was to be with the officer in charge (apparently at the gate at the front of the house).

He hid himself against the rear wall of the house, adjacent to the back door.

Two police ripped off a locked screen door, leaving it hanging.

Three police were nearby with their capsicum sprays ready, a fourth had his hand on his gun.

One of the police who had ripped off the screen door then kicked open the back door.

The two dogs ran out. They were capsicum sprayed, along with police.

Anderson either entered the house, or didn't. Mitchell stabbed him twice, Anderson dying some time later. The policeman who kicked the door in gave a running commentary on what Mitchell was doing, including when he picked up the knife.

Coroner Teresa O'Sullivan accepted a police investigation claiming that no police at that time had any right to break into the home.

Had the police obeyed laws protecting the dogs from unnecessary violence, Anderson could not have been killed in that way.

The five police who assisted Anderson in the unjustified attack should have been prosecuted for the unnecessary cruelty.

The extent of their culpability is a secret from the public. Stigmatising media say nothing about the fate of the two dogs. Trial judge says nothing, though called them fearsome beasts. Appeal judges say nothing. Coroner says nothing. RSPCA says nothing.

It should be possible for anyone to force the police to explain not prosecuting the police involved.

I am able to provide more detailed references for the facts I claim.