

Answers to questions on notice

NSW Police

Assistant Commissioner Mick Willing



NSW Police Force

Joint Select Committee on Sydney's Night Time Economy Hearing – Monday 12 August 2019 NSW Police Force

Question 1 – User Charges

(Ms Cate FAEHRMANN): **Why would the police in New South Wales be imposing the condition for so many more police at such bigger costs to events than Melbourne and Brisbane police are proposing?** Do you acknowledge that it is a much bigger cost than those other two States?

(Mr WILLING): They are policy issues that I need to defer to the Minister to answer, to be perfectly honest, in terms of it. We apply a user-pays policy-.

(Ms Cate FAEHRMANN): But you set that?

(Mr WILLING): We apply it and the policy is in line with government policy, but I will defer to the Minister to answer that.

RESPONSE

User pays cover a wide variety of services provided by the NSWPF under cost recovery principles on request. User pays services go beyond the general responsibility of the NSWPF to the community to promote public safety and protect community interests.

The NSWPF does not make a surplus from user pays activities. Fees for user pays services are generally set to recover full cost, in accordance with New South Wales Treasury *Guidelines for Pricing of User Charges* which is available on the NSW Treasury website.

The aim of the user pays charges is to achieve an efficient and equitable use of public resources by ensuring that the cost of providing these services is passed on to those who derive commercial or other benefits from them.

The user charges scheme is a statutory scheme pursuant to:

- sections 8 and 208 of the *Police Act 1990 (NSW)*, and
- clause 134 of the *Police Regulation 2008*.

This legislative framework outlines the terms under which the NSWPF can demand payment for user pays services.

Charges for special events are set to recover only avoidable cost in accordance with the New South Wales *Whole of Government Policy for the Application of User Charges for Major and Special Events*. Avoidable costs are those costs that would be avoided by the NSWPF if the goods or services were not provided. The event organiser is not charged for overhead costs that would have been incurred in running the non-commercial activities of the NSWPF.

The person, venue or organiser requesting user pays services should plan to meet the cost of the service as part of budgeting. In order to clearly define the obligations of both, the NSWPF requires clients to enter into an agreement for the provision of services for an agreed cost.

The number of police deployed to an event is the minimum number to maintain order as required by section 208 of the Police Act. The policing requirements are assessed against risk factors associated with the event including, but not limited to:

- The size and type of venue and event
- The type and age group of spectators
- Facilities available at the venue
- Availability of alcohol
- Experience at similar events
- Emergency management requirements
- Private security arrangements
- Other risks impacting on the event
- Time and place of the event (eg no single police units are available for some work after dark, some areas may require work in teams etc)

The NSW Police Force administers 'user charges' policing services in accordance with the 'Cost Recovery and User Charges Policy 2019' which is available on the NSWPF website.

Question 2 – Perception of NSW Police Force by Young Persons

(Ms Cate FAEHRMANN): Assistant Commissioner, we have heard from a number of witnesses that young people in Sydney do not have a great relationship with the police, particularly young people who are going out. That is as a result of people experiencing and hearing about ongoing harassment such as strip searches, sniffer dogs, much different to what it was 10 years ago. If you look at social media, the papers reported this, there is lot of young people attending festivals and venues having not great experienced with the police. **How do you respond to that?**

RESPONSE

The NSWPF employs a range of strategies to enforce the law in the interests of the safety of young people who are going out at night. While it may not be reported in the media or shared via social media as often, the NSWPF has many positive engagements with young people, not just when they find themselves as a victim of crime, but also through proactive policing measures.

The NSWPF acknowledges that music festivals are an important part of the social, cultural and economic make up of NSW. It is recognised that many music festival patrons are young people. The primary focus for the policing of music festivals is public safety and the NSWPF has consistently worked with organisers to deliver safe and well-run events for festival-goers.

Positive engagement between young people and police officers includes through RiseUp, where we are engaging with vulnerable and at-risk youth between 15 and 18. So far 140 young people have secured employment after graduating from the program. RiseUp incorporates job ready programs, mentoring and vocational training.

Along with our joint work on RiseUp, in partnership with PCYC, NSWPF has officers working with young people who visit PCYCs across NSW; including engaging with over 1,980 young

people through case management and programs in 2018 alone, most of whom were youth at risk of offending or who had offended.

We are key participants of the Youth on Track early intervention program which is addressing the needs of young people at risk of long-term involvement with the criminal justice system. Where Youth on Track is not in place, we are trialling Youth Action Meetings aimed at eight to 17 year olds to steer young people away from crime and courts.

Question 3 – Alcohol Related Assault in Public Places and Licensed Premises

(The Hon. Ben FRANKLIN): In terms of the number of incidents that happen in a venue rather than outside the venue, what would the split be outside on the road in a public area?

RESPONSE

The below table includes Alcohol Related Assaults in Public Places and Licensed Premises within Sydney CBD and Kings Cross Precincts. Offences occurring in other premise types are not included in these figures.

Sydney CBD Precinct	2011	2012	2013	2014	2015	2016	2017	2018
On Licensed Premises	468	508	426	367	375	409	422	367
Outdoor / Public Place	681	522	523	383	330	319	326	271

(Source: EIM)

Kings Cross Precinct	2011	2012	2013	2014	2015	2016	2017	2018
On Licensed Premises	146	163	134	74	54	43	37	40
Outdoor / Public Place	146	123	152	69	57	43	49	35

(Source: EIM)

Question 4 – ID Scanners

Please refer to page 35 of the transcript for the Joint Select Committee on Sydney's Night Time Economy – Hearing Monday 12 August 2019.

(Mr WILLING): Yes, we believe so. I am advised by officers on the ground in Kings Cross of occasions where crimes have been solved by the use of ID scanners from outside the precinct where offences have been committed in other locations and offenders have been identified and located within licensed premises because they have scanned their identification.

(The CHAIR): On that point, could you provide the Committee with some information about the success of those investigations?

RESPONSE

The information obtained by police through ID scanners in the Kings Cross and Sydney City Police Area Commands has proved critical in confirming the identity, whereabouts and relevant timeframes for persons of interest (**POIs**) in police investigations.

For example, investigations into incidents of assaults including sexual assault, affray, robbery and stealing have had vital facts of the investigation, particularly the identify of Persons of Interest, confirmed by information captured through ID scanners - facts that may not have been established without the use of such technology. Consequently, police have been able to successfully lay charges where relevant.

The **ANNEXURE** reflects twenty four (24) incidents where ID scanners successfully identified offenders for a variety of offences committed in the Kings Cross and Sydney City Police Area Commands. This list is not exhaustive of all incidents where ID scanners have assisted Police with the investigation of offences.

ANNEXURE – ID SCANNER EXAMPLES

Offence	Year	Location	Summary
Affray	2019	Potts Point	The accused was involved in a fight of a number of males on the footpath outside a venue. The accused punched another male on several occasions to the head, resulting in the male's head colliding with a wall, causing him to fall to the ground. Police intervened, and the accused was arrested and charged with Affray, possess prescribed restricted substance & possess prohibited drug. Police identified further POI's from the fight via ID scanner.
Sexual Assault	2018	Potts Point	The female victim and a friend were assaulted by two males in their hostel accommodation. Police later identified both POI's via ID scanner. At a later date one of the POI's was arrested and charged with 'Aggravated Break, Enter and Commit SIO (Indecent Assault) and Common Assault.'
Assault	2018	Potts Point	The victim intervened in a heated argument with physical contact between the witness and a male. The POI then struck the female in the face causing her to fall to the ground. Other patrons attempted to restrain the patrons involved until security arrived. All parties were removed from the premises and the POI left the area immediately. The victim was unwilling to provide a statement at the time. ID Scanner was downloaded to assist with identifying the POI if the victim later provided a statement.
GBH Assault	2018	Potts Point	The victim and accused were drinking together when a complex altercation occurred. Bystanders assisted the victim and the POI got in taxi and left the scene. Police received information that the POI and victim had been drinking earlier together. The ID Scanner showed the POI entering the venue which assisted with the identification and charging of the POI.

Robbery	2018	Potts Point	The victim was robbed in the street. The victim believed he saw another male POI nearby at the time of the robbery. Enquiries conducted with CCTV footage and ID Scanner data identified both POI's who had attended a particular venue in the Potts Point area and used their ID to gain access. The POI was charged with the matters.
Sexual Assault	2018	Potts Point	The victim was assaulted by the POI in the bathroom of the venue. After the victim's friend intervened, security were spoken to and the POI had left the location in a taxi. Police requested ID Scanner data which identified the POI.
ABH Assault + Armed w/intent	2019	Potts Point	The victim was at a café when the accused approached the victim and a complex series of interactions then occurred which ended with the victim on the ground and the accused punching them to the head area. A short time later police arrived. Enquiries revealed the accused had scanned into the ID Scanner at a location in Potts Point prior to the incident and returned back to the location after the incident. Police requested ID Scanner data which assisted with the identification of the accused.
Supply Prohibited Drug x 2	Twice in 2017	Potts Point	As part of operations, the identities of accused sellers of drugs at venues were determined through the utilisation of the ID scanner.
Malicious Damage	2018	Potts Point	About the time of the venue closing the accused stopped in front of the ID scanner and pulled the camera from the unit. When the venue reopened security staff noticed the damage. Police were provided with a copy of CCTV footage of the incident and a printout from the ID scanner of when the accused entered the premises. At a later date the accused returned to the venue where he was recognised by security staff and police notified, attended and spoke to the accused.
Drink Spiking	2018	Potts Point	Allegation of drink spiking at a licensed venue. A check of ID scanner on that date showed the person had not attended that venue, however, checks of other venues which operated ID scanners showed that the person had attended another venue. Footage identified alcohol was likely the cause of the person's intoxicated state.
Sexual Assault	2015	Potts Point	Sexual assault allegation upon the victim by a POI met within a licensed premises. CCTV footage of the male POI when they left identified him through the ID scanner system. Victim chose not to pursue the matter.
ABH Assault	2019	Woolloomooloo	Victim was confronted by 3 male POI's at a venue and the victim was followed and assaulted by the POI's after leaving, sustaining significant injury. CCTV reviewed of incident and POI's identified utilising ID scanner system at venue. POI's charged.
Stealing	2019	Woolloomooloo	Bag stolen from female within premises. CCTV reviewed and POI located. ID scanner entry of POI matched to CCTV. POI identified and contacted. Bag returned to victim after POI claimed to have taken it by accident.
Stealing	2019	Potts Point	POI has stolen the victims' mobile telephone at venue. Offence depicted on CCTV. CCTV matched to ID scanner data and POI identified.

Affray	2019	Potts Point	Groups of males involved in a large affray incident on the road. Males stopped by Police and details obtained. While misinformation resulted in the males being released, following review of footage it was found the released males were in fact POI's and offenders in assault and affray offences. These POIs had also provided false details. ID scanner data checked from nearby venues resulted in all POIs identities being established through ID scanner system. All POI's charged.
Stealing	2018	Potts Point	Victim had a jacket stolen within venue. Offence captured on CCTV and matched to ID scanner data. POI identified and charged.
Assault	2018	Pyrmont	Both the POI and victim were patrons of the premises, the victim had left on his own accord when the POI was excluded for unknown reasons. The POI punched the victim and then stomped on his head when he was on the ground. The POI ran from the scene but was identified via the ID scanner.
Drink Spiking	2019	Sydney	The POI drink spiked the victims drink. He was asked to leave by management and the police were called. Both the victim and the POI's details were obtained from the ID scanner for the matter to be investigated.
Indecent Assault	2019	Sydney	The POI indecently touched the victim inside the venue. The POI was ejected by security and left the location. The identification of the POI was obtained from the ID scanner and the POI arrested and charged.
Sexual Assault	2018	Pyrmont	Involved patrons from the venue left with the victim and later sexually assaulted her. The POIs were later identified using identification on the ID scanner at the venue.
Sexual Assault	2018	Potts Point	Two people met at the venue and later went to another location where the victim was later sexually assaulted by another male. The identification of the male was obtained from the ID scanner at the venue.
Sexual Assault	2017	Sydney	The POI and victim left the venue together and the POI later sexually assaulted the victim. The identification of the POI was established via his scanned ID at the venue.
Assault	2018	The Rocks	The POI assaulted another male inside the venue. The POI was tracked using CCTV when he entered the venue and his ID was scanned. Police identified the POI using the ID scanners.